

# FEDERAL REGISTER

THE NATIONAL ARCHIVES  
LITTERA SCRIPTA MANET  
OF THE UNITED STATES  
1934

VOLUME 7      NUMBER 140

Washington, Friday, July 17, 1942

## The President

### PROCLAMATION 2562

#### AMENDMENTS OF REGULATIONS RELATING TO MIGRATORY BIRDS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

WHEREAS the Secretary of the Interior, under authority and direction of and in compliance with section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936 (49 Stat. 1555), the administration of which act was transferred to the said Secretary on July 1, 1939 by Reorganization Plan No. II (53 Stat. 1431), has adopted and submitted to me the following amendments, which he has determined to be suitable amendments of certain of the regulations approved by Proclamation No. 2345 of August 11, 1939,<sup>1</sup> as last amended by Proclamation No. 2518 of October 16, 1941,<sup>2</sup> permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of migratory birds and parts, nests, and eggs thereof, included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936:

#### AMENDMENTS OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE SECRETARY OF THE INTERIOR

Under authority and direction of section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936 (49 Stat. 1555), the administration of which act was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (53 Stat. 1431), I, Har-

old L. Ickes, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of said conventions and act to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and, in accordance with such determinations, do hereby amend, as specified, the regulations approved by Proclamation No. 2345 of August 11, 1939, as last amended by Proclamation No. 2518 of October 16, 1941, and as so amended do hereby adopt such regulations as suitable regulations permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such migratory birds and parts, nests, and eggs thereof:

Regulation 4, "Open Seasons on and Possession of Certain Migratory Game Birds," is amended to read as follows:

#### Regulation 4.—Open Seasons on and Possession of Certain Migratory Game Birds

Waterfowl (except snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, in Idaho, and in States bordering on the Atlantic Ocean; Ross' geese, and swans), coots, rails and gallinules, woodcocks, mourning or turtle doves, white-winged doves, and band-tailed pigeons may be taken each day from sunrise to sunset, except in Alexander County, Illinois, geese may be taken only from sunrise to 12:00 o'clock noon, during the open seasons prescribed therefor in this regulation, and they may be taken by the means and in the num-

## CONTENTS

### THE PRESIDENT

PROCLAMATION:	Page
Amendments of regulations relating to migratory birds...	5471
REGULATIONS	
CIVIL AERONAUTICS BOARD:	
Fort Worth Naval Training School graduates, issuance of commercial certificates...	5476
Navy or Marine Corps pilots, use as crew members.....	5476
COAST GUARD:	
Inspection and navigation regulations; approval of equipment.....	5487
COMMODITY CREDIT CORPORATION:	
Soybean loans and purchases, instructions.....	5474
ECONOMIC WARFARE BOARD:	
Metal drums and containers, export licenses.....	5477
FEDERAL RESERVE SYSTEM:	
Reserves of member banks, miscellaneous amendments...	5475
FEDERAL TRADE COMMISSION:	
D. D. D. Corp., cease and desist order.....	5476
OFFICE OF PRICE ADMINISTRATION:	
Administration:	
Authority delegation, general order 3.....	5480
Judicial sales, exceptions; supplementary order 10.....	5481
Maximum price regulation, general:	
Authorization of prices under § 1499.3 (b):	
Acer & Whedon, Inc., order 33.....	5484
Davison Chemical Corp., order 34.....	5486
Exceptions for certain commodities, etc., amendment 15 to supplementary regulation 1.....	5484
Milk, retail prices in New York metropolitan area; supplementary regulation 14.....	5486
Provision for certain supplementary regulations, amendment 15.....	5484

(Continued on next page)

<sup>1</sup> 4 F.R. 3621.

<sup>2</sup> 6 F.R. 5303.





Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

### CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.	Page
Maximum price regulations:	
Naval stores; pine oil, 179----	5482
Protective coatings; color pigments, 180-----	5485
Passenger automobile rationing, amendment 9 to 2A-----	5484
Price schedules:	
Cotton yarns, combed, etc.; amendment 6 to 7-----	5481
Crude petroleum, Pettus field, Texas; amendment 22 to 88-----	5481
WAR PRODUCTION BOARD:	
Cooking appliances, domestic; amendment 1 to L-23-b-----	5478
Construction material, defense projects; amendment 1 to P-19-----	5477
Lithium compounds, M-191-----	5479
Office machinery, amendment 1 to L-54-c-----	5479
Suppliers, exemption 7 to L-63-----	5478
NOTICES	
BITUMINOUS COAL DIVISION:	
Farmers Union State Exchange, supplemental order-----	5497
Hearings, etc.:	
District Board 18-----	5497
Jones, T. A. D., and Co., Inc-----	5496
Sun Coal Co., application granted, etc-----	5496
OFFICE OF PRICE ADMINISTRATION:	
O'Leary, Paul M., delegation of authority-----	5498
Petitions granted:	
American Fluorspar Corp-----	5498
Fluorspar Processing Co-----	5498
Williamson, Harr. M., & Son-----	5498
SECURITIES AND EXCHANGE COMMISSION:	
Columbia Gas & Electric Corp., et al., hearing, etc-----	5499
WAR MANPOWER COMMISSION:	
War workers, policy to prevent pirating-----	5500

bers permitted by regulations 3 and 5 of these regulations, respectively, and when so taken may be possessed in the numbers permitted by regulation 5 any day in any State, Alaska, Puerto Rico, or in the District of Columbia during the period constituting the open season where taken and for an additional period of 30 days next succeeding said open season, but no such bird shall be possessed in any State, Alaska, Puerto Rico, or the District of Columbia at a time when such State, Alaska, Puerto Rico, or District prohibits the possession thereof. Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), nor on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge except insofar as may be permitted by the Secretary of the Interior under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

**Waterfowl and coot.** The open seasons on waterfowl (except geese in Alexander County, Illinois, snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, in Idaho, and in States bordering on the Atlantic Ocean; Ross' geese, and swans), and coot, in the several States, Alaska, and Puerto Rico, shall be as follows, both dates inclusive:

In Maine, Michigan, Minnesota, Montana, New Hampshire, North Dakota, Ohio (except Pymatuning Reservoir and one quarter of a mile distant in any direction from said Reservoir), South Dakota, Vermont, Wisconsin, and Wyoming, September 26 to December 4.

On the Pymatuning Reservoir in Ash-tabula County, Ohio, and one quarter of a mile distant in any direction from said Reservoir, October 15 to December 23.

In California (except on the Colorado River and within ten miles of its western bank), Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Missouri, Nebraska, Nevada, New Jersey, New York (except certain hereinafter designated portions of Essex, Clinton, and Washington Counties) including Long Island, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Washington, and West Virginia, October 15 to December 23.

On the Colorado River in California and within ten miles of its western bank, November 2 to January 10.

In those portions of Essex and Clinton Counties, New York, east of the Delaware and Hudson Railroad tracks and that part of Washington County east of the aforesaid tracks to and including the town of South Bay and all of the waters of South Bay and one mile distant from such waters in any direction, September 26 to December 4.

In Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, Texas, and Virginia, November 2 to January 10.

In Puerto Rico, December 15 to February 12.

In Fur Districts 1 and 3 in Alaska, as defined in the regulations governing the taking of game in Alaska adopted June 8, 1940 (5 F. R. 2288), September 21 to November 29; and in the remainder of Alaska, September 1 to November 9: *Provided*, That scoters, locally known as sea coots, may be taken in open coastal waters only, beyond outer harbor lines, in Maine and New Hampshire from September 15 to September 30; and in Connecticut, Massachusetts, New York including Long Island, and Rhode Island, from September 15 to October 15, and thereafter from land or water during the open seasons for other waterfowl in these States.

Geese, in Alexander County, Illinois, October 15 to December 13.

**Rails and gallinules (except coot).** The open season on rails and gallinules (except coot) shall be from September 1 to November 30, both dates inclusive, except as follows:

Alabama, November 20 to January 31. Louisiana, September 15 to December 15.

Maine, and Wisconsin, September 26 to December 4.

Massachusetts, and New York, including Long Island, October 15 to December 23.

Minnesota, September 16 to November 30.

Puerto Rico, December 15 to February 12.

California, District of Columbia, Hawaii, Idaho, Montana, Nevada, Oregon, Tennessee, and Washington, no open season.

**Woodcock.** The open seasons on woodcock shall be as follows, both dates inclusive:

That part of New York lying north of the tracks of the main line of the New York Central Railroad extending from Buffalo to Albany and north of the tracks of the main line of the Boston & Albany Railroad extending from Albany to the Massachusetts State line, and in Vermont, and Wisconsin, October 1 to October 15.

That part of New York lying south of the line above described and in Connecticut, and Indiana, October 15 to October 29.

That part of New York known as Long Island, and in New Jersey, and Rhode Island, November 1 to November 15.

Arkansas, and Oklahoma, December 1 to December 15.

Delaware, and Maryland, November 15 to November 29.

Louisiana, and Mississippi, December 15 to December 29.

Maine, New Hampshire, and Ohio, October 10 to October 24.

Massachusetts, October 20 to November 3.

Michigan, in Upper Peninsula, October 1 to October 15; in remainder of State, October 15 to October 29.

Minnesota, October 3 to October 18.

Missouri, November 10 to November 24.

Pennsylvania, October 24 to November 7.

Virginia, November 20 to December 4.



West Virginia, October 17 to October 31.

*Mourning or turtle dove.* The open seasons on mourning or turtle dove shall be as follows, both dates inclusive:

In Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina, December 1 to December 30.

Arizona, California, Kansas, Nevada, New Mexico, and Oklahoma, September 1 to October 12.

Delaware, Kentucky, Maryland, and Virginia, September 16 to October 15.

Idaho, September 1 to September 10.

Illinois, and Missouri, September 1 to September 30.

Minnesota, September 16 to September 30.

Oregon, September 1 to September 15.

Tennessee, October 1 to October 30.

Texas, in Yoakum, Terry, Lynn, Garza,

Kent, Stonewall, Haskell, Throckmorton,

Young, Palo Pinto, Parker, Johnson,

Ellis, Kaufman, Van Zandt, Rains, Hop-

kins, Franklin, and Red River Counties,

and all counties north thereof, Septem-

ber 1 to October 12; in remainder of

State, September 16 to October 27.

*White-winged dove.* The open seasons on white-winged dove shall be as follows, both dates inclusive:

Arizona, September 1 to September 15.

Texas, September 16 to September 25.

*Band-tailed pigeon.* The open seasons

on band-tailed pigeon shall be as fol-

lows, both dates inclusive:

Arizona, New Mexico, and Washington,

September 16 to October 15.

California, December 1 to December

30.

Oregon, September 1 to September 30.

Regulation 5, "Daily Bag and Posses-

sion Limits on Certain Migratory Game

Birds," is amended to read as follows:

*Regulation 5.—Daily Bag and Possession*

*Limits on Certain Migratory Game*

*Birds*

A person may take in any one day

during the open seasons prescribed

therefor in regulation 4 of these regula-

tions not to exceed the following num-

bers of migratory game birds, which

numbers shall include all birds taken by

any other person who for hire accom-

panies or assists him in taking such

birds; and when so taken these may be

possessed in the numbers hereinafter

specified, except that no person on the

opening day of the season may possess

any migratory game birds in excess of

the daily limits herein prescribed.

*Ducks.* Ten in the aggregate of all

kinds including in such limit not more

than 1 wood duck, or more than 3 singly

or in the aggregate of redheads and

buffleheads; and any person at any one

time may possess not more than 20 ducks

in the aggregate of all kinds but not more

than 1 wood duck, nor more than 6 of

either or both of redheads or buffleheads.

*Geese and brant (except snow geese*

*in Beaverhead, Gallatin, and Madison*

*Counties in Montana, in Idaho, and in*

*States bordering on the Atlantic Ocean;*

*and Ross' geese).* Two in the aggregate

of all kinds including blue geese, and,

in addition, four blue geese, or a total of

not more than 6 blue geese if no other kinds are taken, but any person at any one time may possess not more than 6 geese, including brant, in the aggregate of all kinds of which not more than 4 in any combination may be of species other than blue geese, provided a person may possess 6 blue geese if he has no other kinds of geese, including brant.

*Rails and gallinules (except sora and coot).* Fifteen in the aggregate of all kinds, and any person at any one time may possess not more than 15 in the aggregate of all kinds.

*Sora.* Fifteen, and any person at any one time may possess not more than 15.

*Coot.* Twenty-five, and any person at any one time may possess not more than 25.

*Woodcock.* Four, and any person at any one time may possess not more than 8.

*Mourning or turtle dove and white-winged dove.* Ten in the aggregate of both kinds, and any person at any one time may possess not more than 10 in the aggregate of both kinds.

*Band-tailed pigeon.* Ten, and any person at any one time may possess not more than 10.

The possession limits hereinbefore prescribed shall apply as well to ducks, geese, brant, rails, including coot and gallinules, woodcocks, mourning or turtle doves, white-winged doves, and band-tailed pigeons taken in Canada, Mexico, or other foreign country and brought into the United States, as to those taken in the United States.

Regulation 6, "Shipment, Transportation, and Possession of Certain Migratory Game Birds," is amended to read as follows:

*Regulation 6.—Shipment, Transportation, and Possession of Certain Migratory Game Birds*

Migratory game birds of a species on which open seasons are prescribed by regulation 4 of these regulations, legally taken, and parts thereof, may be transported in or out of Alaska, subject to regulations under The Alaska Game Law (43 Stat. 739), as amended, Puerto Rico, or the State where taken, during the respective open seasons in Alaska, Puerto Rico, or in that State. Such birds when legally taken in and exported from Canada or Mexico, and if from Mexico when they are accompanied by a Mexican export permit, may be transported into the United States during the open seasons where killed.

Not more than the number of such birds permitted by regulation 5 of these regulations to be taken by one person in one day, or in 2 days in the case of woodcock and ducks (except wood ducks), nor more than 6 geese, including brant, in the aggregate of all kinds of which not more than 4 in any combination may be species other than blue geese shall be transported by any one person in 1 calendar week out of Alaska, Puerto Rico, or the State where taken or from Canada or Mexico into the United States.

No such birds, or parts thereof, shall be transported from any State, Alaska, Puerto Rico, or the District of Columbia

to or through another State, Alaska, Puerto Rico, or the District of Columbia, or to or through Canada or Mexico, contrary to the laws of the place in which they were taken or from, to, or through which they were transported; nor shall any such birds be imported into the United States from Canada or Mexico contrary to the laws of the place in which they were taken or from, to, or through which they were transported.

Any such birds or parts thereof in transit during the open season may continue in transit such additional time immediately succeeding such open season, not to exceed 5 days, necessary to deliver the same to their destination, and may be possessed in any State, Alaska, Puerto Rico, or District during the period constituting the open season where taken, and for an additional period of 30 days next succeeding said open season. Any package in which such birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds or parts thereof contained therein clearly and conspicuously marked on the outside thereof.

*Migratory game birds imported from countries other than Canada and Mexico.* Migratory game birds of a species on which open seasons are prescribed by regulation 4 of these regulations, legally taken in and exported from a foreign country (other than Canada and Mexico, for which provision is hereinbefore made) may be transported by any one person in 1 calendar week in numbers not exceeding those permitted by regulation 5 of these regulations to be taken by one person in 1 day, or in 2 days in the case of woodcocks, ducks (except wood ducks), but not more than 6 geese, including brant, in the aggregate of all kinds of which not more than 4 in any combination may be species other than blue geese, to any State, Alaska, or Puerto Rico during the open season prescribed by said regulation 4 for such State, Alaska, or Puerto Rico on that species, and to the District of Columbia during the open season so prescribed for Maryland, and may be possessed in such State, Alaska, or Puerto Rico for an additional period of 30 days immediately succeeding such open season, if transportation and possession of such birds are not prohibited by such State, Alaska, Puerto Rico, or District and if transported in packages marked as hereinbefore provided in this regulation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 7th day of July, 1942.

[SEAL]

HAROLD L. ICKES,  
Secretary of the Interior.

AND WHEREAS upon consideration it appears that the foregoing amendments will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United



States of America, do hereby approve and proclaim the foregoing amendments.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 14th day of July in the year of our Lord nineteen hundred and forty-two, and of the Independence of the United States of America the one hundred and sixty-seventh.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,  
Secretary of State.

[F. R. Doc. 42-6759; Filed, July 16, 1942;  
10:59 a. m.]

## Regulations

### TITLE 6—AGRICULTURAL CREDIT

#### Chapter II—Commodity Credit Corporation

[1942 C.C.C. Soybean Form 1—Instructions]

#### PART 230—1942 SOYBEAN LOANS

#### INSTRUCTIONS CONCERNING SOYBEAN LOANS AND PURCHASES

Commodity Credit Corporation has authorized the making of loans on farm-stored soybeans or the purchase of soybeans stored in approved warehouses or delivered to designated delivery points in accordance with these instructions.

#### Sec.

- 230.1 Definitions.
- 230.2 Loans.
- 230.3 Purchases.
- 230.4 General.

AUTHORITY: §§ 230.1 to 230.4 inclusive issued under Sec. 302 (a) 52 Stat. 43; 7 U.S.C. 1302.

§ 230.1 *Definitions.* For the purpose of these instructions and the forms used in connection with loans and purchases made hereunder, the following terms shall be construed, respectively, to mean:

(a) *Eligible producer.* Any person, partnership, association, or corporation producing soybeans in 1942 as landowner, landlord or tenant.

(b) *Eligible soybeans for loans.* Soybeans eligible for loans must be stored on farms and shall be any class grading No. 3 or better with respect to factors other than moisture and having a moisture content not in excess of 14 percent, which were produced in 1942, the beneficial interest to which is and always has been with the eligible producer, except that soybeans grading weevily or which are musty, sour, heating, or have any objectionable foreign odor, shall not be eligible soybeans for loan.

(c) *Eligible soybeans for purchase.* Soybeans eligible for purchase stored in or delivered to an approved warehouse shall be soybeans grading No. 4 or better which were produced in 1942, the beneficial interest to which is and always has been in the eligible producer, except that soybeans which grade weevily, or which are musty, sour, heating, or have any

commercially objectionable foreign odor shall not be eligible for purchase.

(d) *Lending agency.* Any bank, cooperative marketing association, or other corporation, partnership, or person which has executed a Contract to Purchase (1940 C. C. C. Form E) and filed such contract with a regional office of Commodity Credit Corporation.

(e) *High, medium, and low oil content.* High oil content soybeans of classes I and II are soybeans which are classified as classes I and II under the Official Grain Standards of the United States for soybeans and which have a fat content of not less than 17½ percent on a 10 percent moisture basis. All soybeans of varieties approved by the State War Board of U. S. classes I and II (yellow and green) produced in the High Oil Content Area shall be deemed to be high oil content soybeans. The High Oil Content Area is comprised of the States of North Dakota, South Dakota, Nebraska, Kansas, Missouri, Kentucky, West Virginia, Maryland, Delaware, and all States north and east thereof: *Provided*, That: (1) there shall be excluded from such area any county in any State described above if it is determined on the basis of representative samples of classes I and II (yellow and green) soybeans that the soybeans generally grown in such county have a fat content less than 17½ percent on a 10 percent moisture basis; and (2) there shall be included in such area any county in any State not enumerated above if it is determined on the basis of representative samples of classes I and II (yellow and green) soybeans that the soybeans of such classes generally grown in such county have a fat content of not less than 17½ percent on a 10 percent moisture basis.

Medium oil content soybeans of classes I and II shall be soybeans which are classified as classes I and II under the Official Grain Standards of the United States for soybeans and which have a fat content of less than 17½ percent on a 10 percent moisture basis. All soybeans of classes I and II produced in areas other than the High Oil Content Area as defined above shall, in the absence of proof to the contrary, be deemed to be medium oil content soybeans.

High oil content soybeans of classes III, IV, and V (brown, black, and mixed) shall be soybeans which are classified as classes III, IV, and V under the Official Grain Standards of the United States for soybeans and which have a fat content of not less than 17½ percent on a 10 percent moisture basis.

Low oil content soybeans of classes III, IV, and V (brown, black, and mixed) shall be soybeans which are classified as classes III, IV, and V under the Official Grain Standards of the United States for soybeans and which have a fat content of less than 17½ percent on a 10 percent moisture basis. All soybeans of classes III, IV, and V produced in the United States shall, in the absence of proof to the contrary, be deemed to be low oil content soybeans unless grown in a county as to which it is determined on a basis of representative samples of classes III, IV, and V that soybeans of

such classes generally grown in such county have a fat content of not less than 17½ percent on a 10 percent moisture basis, in which case the soybeans shall be deemed to be high oil content soybeans.

§ 230.2 *Loans—(a) Amount.* The basic loan values for No. 1 and No. 2 soybeans shall be in accordance with the following schedules:

(1) Soybeans of classes I and II (green and yellow):

(i) \$1.65 per bushel for high oil content.

(ii) \$1.55 per bushel for medium oil content.

(2) Soybeans of classes III, IV, and V (brown, black, and mixed):

(i) \$1.55 per bushel for high oil content.

(ii) \$1.45 per bushel for low oil content.

(3) Soybeans of any class grading No. 3 with respect to factors other than moisture and having not more than 14 percent moisture shall be discounted 3 cents per bushel below the basic loan value for No. 1 or No. 2.

(b) *Maturity and interest.* Loans on eligible soybeans will be available after the 1942 harvest begins and through March 31, 1943. Loans will mature on demand, but not later than June 30, 1943. Consent for storage of the soybeans on the farm until September 1, 1943, will be required. The loan rate includes a 5-cent per bushel storage allowance which may be retained by the borrower if the soybeans are delivered to Commodity Credit Corporation in payment of the loan at maturity or prior thereto if payment is demanded for a reason other than damage to the collateral or misrepresentation by the borrower. If delivery is made prior to maturity due to damage or threatened damage to the collateral the producer shall refund to the Corporation an amount equal to ½ cent per bushel per month for each month or fraction thereof he fails to store the beans, to June 30, 1943, not to exceed a total of 5 cents per bushel. Loans will be made on a note and chattel mortgage basis, using C.C.C. Grain Form A (Revised) (note) and C.C.C. Grain Form AA (Revised) (chattel mortgage).

(c) *Determination of quantity of soybeans.* Loans shall be made at values expressed in cents per bushel, a bushel being determined to be 60 pounds when determined by weight or 1.25 cubic feet of soybeans testing 60 pounds per bushel when determined by measurement. In determining the quantity of soybeans stored by measurement, fractional pounds of the test weight per bushel for soybeans testing less than 60 pounds will be disregarded, and the quantity determined by measurement shall be adjusted by the following respective percentages:

For soybeans testing—	Percent
60 pounds or over.....	100
59 pounds or over, but less than 60 pounds.....	98
58 pounds or over, but less than 59 pounds.....	97
57 pounds or over, but less than 58 pounds.....	95



For soybeans testing—	Percent
56 pounds or over, but less than 57 pounds.....	93
55 pounds or over, but less than 56 pounds.....	92
54 pounds or over, but less than 55 pounds.....	90
53 pounds or over, but less than 54 pounds.....	88
52 pounds or over, but less than 53 pounds.....	87

(d) *Farm storage.* Soybeans shall have been stored in the granary for a reasonable period, determined by the county committee, prior to inspection for measurement, sampling, and sealing. In accordance with regulations issued by the Secretary of Agriculture, the State and county agricultural conservation committees will inspect and approve storage facilities and will arrange for measuring, sampling, grading, and sealing the soybean collateral in approved structures. Chattel mortgages covering farm-stored soybeans must be executed and filed in accordance with the applicable State law. Producers should obtain information and assistance from the county agricultural conservation committees in regard to the execution and filing of such chattel mortgages. Where the borrower is a tenant, the expiration date of the lease must be given in the chattel mortgage and if such date is prior to September 1, 1943, the landlord must execute the Consent for Storage in the chattel mortgage. The Consent for Storage agreement must also be executed by any other party or parties entitled to possession prior to September 1, 1943. Each producer must designate in the chattel mortgage a shipping point reasonably convenient for the delivery of the soybeans as determined by the county committee. A separate note and chattel mortgage must be submitted for soybeans stored on each quarter section of land.

(e) *Source of loans.* Loans may be obtained through banks and other lending agencies as defined in § 230.1 hereof, or direct from the Commodity Credit Corporation.

(f) *Purchase of loans.* Commodity Credit Corporation will purchase without recourse, notes evidencing loans only from lending agencies which have executed and delivered to a regional office of Commodity Credit Corporation, Contract to Purchase, 1940 C.C.C. Form E. Notes held by lending agencies must be tendered to the Commodity Credit Corporation for immediate or deferred purchase within 10 days of written request or at least 10 days prior to maturity in the absence of written demand. The purchase price to be paid by Commodity Credit Corporation for notes accepted will be the outstanding face amount of such notes, plus accrued interest from the date of disbursement by the lending agency to the date of payment of the purchase price at the rate of 1½ percent per annum. Under the terms of the Contract to Purchase, lending agencies are required to report weekly on 1940 C.C.C. Form F all repayments or collections on producers' notes held by them and to remit with such report to the office of

Commodity Credit Corporation, an amount equivalent to 1½ percent per annum on the principal amount collected from the date of disbursement by the lending agency to the date of repayment.

(g) *Release of collateral.* A borrower may obtain the return of his note and redeem the collateral at any time prior to delivery of the collateral to Commodity Credit Corporation, upon payment of the principal amount due thereon, plus accrued interest. Borrowers may repay directly notes that are held by lending agencies or if the notes are held by Commodity Credit Corporation, they may request that notes be forwarded to a local bank for collection, or remit an amount sufficient to pay the outstanding principal and interest. Partial payment of a note and partial release of collateral may be arranged with the county agricultural conservation committee.

§ 230.3 *Purchases—(a) Amount.* The basic price to be paid for No. 1 and No. 2 soybeans shall be in accordance with the following schedule:

(1) Soybeans of classes I and II (green and yellow):

(i) \$1.60 per bushel for high oil content.

(ii) \$1.50 per bushel for medium oil content.

(2) Soybeans of classes III, IV, and V (brown, black, and mixed):

(i) \$1.50 per bushel for high oil content.

(ii) \$1.40 per bushel for low oil content.

(3) The following schedule of discounts shall be applicable to soybeans grading lower than No. 2:

(i) Test weight—½ cent per bushel for each pound or fraction thereof under 54 pounds;

(ii) Moisture—1½ cents per bushel for each ½ percent moisture in excess of 14 percent, moisture readings to be rounded to the nearest ½ percent;

(iii) Splits—¼ cent per bushel for each 5 percent or fraction thereof in excess of 15 percent;

(iv) Damage—1 cent per bushel for each 1 percent or fraction thereof in excess of 3 percent, but not in excess of 5 percent, plus 2 cents for each 1 percent or fraction thereof in excess of 5 percent;

(v) Foreign material other than dockage—1½ cents per bushel for each 1 percent in excess of 2 percent.

(b) *Place of purchase and period available.* Purchases of eligible soybeans placed in storage in an approved warehouse or delivered to a designated point for shipment will be made at any time after harvest and through June 30, 1943. The rates established apply to a 60-pound bushel of soybeans free from dockage. Lists of approved warehouses and approved points of delivery shall be obtainable from county agricultural conservation committees.

(c) *Source of purchases.* Purchases will be made pursuant to C.C.C. Purchase Form B, Memorandum of Purchase, which must be executed by the producer and approved by a member of the county agricultural conservation committee or

other designated person. Memorandums of purchase will be forwarded by agricultural conservation committee to the regional office of Commodity Credit Corporation for approval and payment.

§ 230.4 *General—(a) Liens.* Soybeans offered as collateral or for purchase must be free and clear of all liens except in favor of the lienholders listed in the space provided therefor in the chattel mortgage or the memorandum of purchase. The names of all existing lienholders such as landlord, laborers, threshers, or mortgagees must be listed in the space provided therefor in the mortgage or memorandum of purchase. The waiver and consent to sell or mortgage the soybeans and payment of the proceeds to the producer as contained in the mortgage or purchase memorandum must be signed personally by all lienholders listed or by their duly authorized agents; or, if corporation, by an officer thereof customarily authorized to execute such instruments. Waivers of lienholders may be executed on separate instruments if complete identification of the commodity and the producer is shown.

(b) *County agricultural conservation committees.* Local county agricultural conservation committees will administer the loan and purchase program within a county and will determine eligibility of producers and soybeans. All loan and purchase forms will be obtainable from offices of county committees and must be approved by the committee prior to disbursement of proceeds. A service fee in connection with each loan will be collected by the county committee to cover the expenses incurred in the operation of the program.

(c) *Regional office of Commodity Credit Corporation.* The regional office of Commodity Credit Corporation, 208 South La Salle Street, Chicago, Illinois, will handle all soybean loans for the Corporation. All direct loans and memorandums of purchase should be forwarded to such office for disbursement. In submitting reports of repayments or soybean notes for purchase, lending agencies should address the regional office at Chicago only.

Dated: June 24, 1942.

[SEAL]

C. C. FARRINGTON,  
Acting President.

[F. R. Doc. 42-6760; Filed, July 16, 1942;  
11:15 a. m.]

## TITLE 12—BANKS AND BANKING

### Chapter II—Board of Governors of the Federal Reserve System

#### PART 204—RESERVES OF MEMBER BANKS

##### MISCELLANEOUS AMENDMENTS

On July 14, 1942, the Board of Governors of the Federal Reserve System amended Part 204 in the following respects to become effective immediately:

1. Section 204.2 (a) is amended by striking from the last paragraph thereof the words "by the Banking Act of 1935."

2. Section 204.2 (c) is amended by striking out the word "checks" and sub-



stituting in lieu thereof the word "items" and by changing the period at the end of the section to a colon and adding the following:

*Provided, however,* That the Federal Reserve Bank may, in its discretion, refuse at any time to permit the withdrawal or other use of credit given in its reserve account for any item for which the Federal Reserve Bank has not received payment in actually and finally collected funds.

3. Section 204.3 (c) is amended by striking out the words "and the personal liability of the directors permitting violations of the laws."

4. Section 204.4 is hereby repealed.

(Sec. 11 (c), (e), (i), 38 Stat. 262, sec. 10, 40 Stat. 239, sec. 4, 40 Stat. 970, sec. 207, 49 Stat. 706, sec. 324, 49 Stat. 714, Public No. 656, 77th Congress; 12 U.S.C. 248 (c), (e), (i), 462, 466, 12 U.S.C., Sup., 462b, 461, 462a1, 465)

By the Board of Governors of the Federal Reserve System.

[SEAL]

S. R. CARPENTER,  
Assistant Secretary.

[F. R. Doc. 42-6765; Filed, July 16, 1942;  
11:53 a. m.]

#### TITLE 14—CIVIL AVIATION

##### Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 231]

##### GRADUATES OF FORT WORTH NAVAL TRAINING SCHOOL

##### ISSUANCE OF COMMERCIAL PILOT CERTIFICATES

Graduates of Naval Training School, Fort Worth, Texas, may be issued commercial pilot certificates by the Administrator of Civil Aeronautics.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 11th day of July 1942.

It appearing that:

(a) Certain Naval aviators of the United States Navy and Marine Corps are receiving special training in the operation of Douglas DC-3 aircraft at the Naval Training School, Fort Worth, Texas;

(b) The United States Navy desires to assign graduates of this course to air carriers for the training as members of the flight crew aboard air carrier aircraft engaged in air transportation;

(c) In order for such Naval aviators to operate air carrier aircraft engaged in air transportation they must be possessed of commercial pilot certificates and appropriate ratings issued pursuant to the Civil Air Regulations;

(d) Such Naval aviators cannot obtain commercial pilot certificates under the present provisions of the Civil Air Regulations governing the issuance of such certificates to the holders of military ratings;

(e) The training received by such Naval aviators is equivalent to that prescribed by the Civil Air Regulations for

the issuance of a commercial pilot certificate and that it is desirable that such persons be issued such certificates;

The Board finds that:

Its action is desirable in the public interest and is necessary for the furtherance of the war effort;

Now, therefore, the Civil Aeronautics Board acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 and 601 thereof, makes and promulgates the following special regulation, effective immediately:

Notwithstanding any provisions of the Civil Air Regulations to the contrary, any Naval aviator who is a graduate of the special course in the operation of Douglas DC-3 aircraft given at the Naval Training School, Fort Worth, Texas, may be issued a valid commercial pilot certificate and appropriate rating for the operation of Douglas DC-3 aircraft, and any such graduate who is also possessed of a Navy Qualified Instrument Rating may be issued the instrument rating prescribed by the Civil Air Regulations.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-6767; Filed, July 16, 1942;  
11:52 a. m.]

##### CERTAIN NAVY OR MARINE CORPS PILOTS

##### USE AS ADDITIONAL CREW MEMBERS

[Regulations, Serial No. 232]

Navy or Marine Corps pilots assigned to duty for training with an air carrier may be used as additional members of crew in scheduled air carrier operations.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 13th day of July 1942.

It appearing that:

(a) The United States Navy desires to have certain of its personnel assigned as additional crew members of scheduled air carrier aircraft for the purpose of familiarizing such personnel with air carrier operations and procedures;

(b) Section 61.50 limits the use of pilots in scheduled air carrier operations to those who have been rated competent for the particular air carrier operation by the Administrator;

(c) Section 61.7802 prohibits any person, other than a first or second pilot, from manipulating the controls of a scheduled air carrier aircraft while in flight; *Provided*, That at the discretion of the first pilot such restriction does not apply to authorized inspectors of the Administrator or to properly qualified company personnel or to properly qualified personnel of other air carriers;

(d) It appears desirable to permit air carriers to assign members of the Navy or Marine Corps as additional crew members during scheduled air transportation in order that such personnel will have an opportunity for observing and acquiring experience in the conduct of scheduled air carrier operations and procedures;

The Board finds that:

Its action is desirable in the public interest, and is necessary to the furtherance of the war effort;

Now, therefore, the Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 and 601 of said Act makes and promulgates the following special regulation, effective immediately:

Notwithstanding any provisions of the Civil Air Regulations to the contrary, any Naval aviator of the Navy or Marine Corps, possessed of an appropriate and valid commercial pilot certificate or airline transport pilot certificate, who is assigned to duty for training with an air carrier, may be used by the air carrier to which he is assigned as an additional member of the flight crew of aircraft engaged in scheduled air transportation and, at the discretion of the first pilot, such Naval aviator may manipulate the controls of such aircraft: *Provided*, That no such Naval aviator, possessing only a commercial pilot certificate, shall manipulate the controls of such aircraft during operations under instrument conditions unless he is also possessed of a valid instrument rating issued by the Administrator.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-6766; Filed, July 16, 1942;  
11:52 a. m.]

#### TITLE 16—COMMERCIAL PRACTICES

##### Chapter I—Federal Trade Commission

[Docket No. 3972]

##### PART 3—DIGEST OF CEASE AND DESIST ORDERS

##### D. D. D. CORPORATION

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Disseminating, etc., in connection with offer, etc., of respondent's D. D. D. Prescription, or any other substantially similar medicinal preparation, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, (1) that respondent's preparation D. D. D. Prescription is a cure or remedy for eczema, or that it has any therapeutic value in the treatment thereof in excess of affording relief from the symptom of itching; (2) that respondent's preparation D. D. D. Prescription is a cure or remedy for pimples or hives, or that it has any therapeutic value in the treatment thereof, in excess of affording relief from the symptom of itching; (3) that respondent's preparation has any therapeutic value in the treatment of any



disorder of the skin caused by internal or systemic conditions, in excess of affording relief from the symptoms of itching; (4) that said preparation has any therapeutic value in the treatment of blotches or rashes appearing on the skin, when due to systemic or constitutional conditions; (5) that respondent's preparation has any therapeutic value in the treatment of athlete's foot, insect bites, and cases of ivy and oak poisoning, in excess of that afforded by the alleviation of the symptom of itching, or that afforded by the use of an antipruritic, astringent, antiseptic, and mildly germicidal agent; or which represent, directly or through inference, (6) through the use of the words "and other externally caused skin eruptions", or other words or phrases of similar import or meaning, in connection with diseases or conditions which may be of a systemic or internal origin, that such diseases and conditions are in fact, solely of external origin or that respondent's preparation has therapeutic value in the treatment of such diseases and conditions regardless of their origin; or (7) through the use of the words "stop itching" or other words or phrases of similar import or meaning, that respondent's preparation will either permanently or temporarily eliminate the disease or condition causing the symptom of itching or has any therapeutic value in excess of that afforded by the alleviation of the symptom of itching, or that afforded by the use of an antipruritic, astringent, antiseptic, and mildly germicidal agent; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45i) [Modified cease and desist order, D. D. D. Corporation, Docket 3972, July 8, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of July, A. D. 1942.

This proceeding coming on for further hearing before the Federal Trade Commission and it appearing that on April 19, 1941, the Commission made its findings as to the facts herein and concluded therefrom that respondent had violated the provisions of the Federal Trade Commission Act and issued and subsequently served its order to cease and desist; and it further appearing that on February 12, 1942, the United States Circuit Court of Appeals for the Seventh Circuit rendered its opinion and on April 4, 1942 issued its decree modifying the aforesaid order of the Commission in certain particulars and affirming said order in other particulars.

Now therefore, pursuant to the provisions of Subsection (i) of Section 5 of the Federal Trade Commission Act, the Commission issues this, its modified order to cease and desist in conformity with said decree:

It is ordered, That the respondent, D. D. D. Corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its medical preparation, D. D. D. Prescription, or any other preparation of substantially similar composition or possessing substantially simi-

lar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating, or causing to be disseminated, any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference,

(a) That respondent's preparation D. D. D. Prescription is a cure or remedy for eczema, or that it has any therapeutic value in the treatment thereof in excess of affording relief from the symptom of itching;

(b) That respondent's preparation D. D. D. Prescription is a cure or remedy for pimples or hives, or that it has any therapeutic value in the treatment thereof, in excess of affording relief from the symptom of itching;

(c) That respondent's preparation has any therapeutic value in the treatment of any disorder of the skin caused by internal or systemic conditions, in excess of affording relief from the symptoms of itching;

(d) That said preparation has any therapeutic value in the treatment of blotches or rashes appearing on the skin, when due to systemic or constitutional conditions;

(e) That respondent's preparation has any therapeutic value in the treatment of athlete's foot, insect bites, and cases of ivy and oak poisoning, in excess of that afforded by the alleviation of the symptom of itching, or that afforded by the use of an antipruritic, astringent, antiseptic, and mildly germicidal agent;

(f) Through the use of the words "and other externally caused skin eruptions," or other words or phrases of similar import or meaning, in connection with diseases or conditions which may be of a systemic or internal origin, that such diseases and conditions are in fact, solely of external origin or that respondent's preparation has therapeutic value in the treatment of such diseases and conditions regardless of their origin;

(g) Through the use of the words "stop itching" or other words or phrases of similar import or meaning, that respondent's preparation will either permanently or temporarily eliminate the disease or condition causing the symptom of itching or has any therapeutic value in excess of that afforded by the alleviation of the symptom of itching, or that afforded by the use of an antipruritic, astringent, antiseptic, and mildly germicidal agent.

(2) Disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said medicinal preparation D. D. D. Prescription, which advertisement contains any of the representations prohibited in Paragraph 1 hereof and the respective subdivisions thereof.

It is further ordered, That respondent shall within thirty (30) days after the

service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-6753; Filed, July 16, 1942; 10:46 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VIII—Board of Economic Warfare

#### Subchapter B—Export Control

#### PART 802—GENERAL LICENSES

##### METAL DRUMS AND CONTAINERS

Paragraphs (a) and (c) of § 802.14 *Metal drums and containers*<sup>1</sup> are amended to read as follows:

(a) General licenses are hereby issued permitting exportation to all destinations of metal drums and containers having a capacity of ten gallons or less, when filled with commodities the exportation of which has been authorized by license: *Provided*, That the drums and containers are of a type reasonably suited for the exportation of such commodities.

(c) General licenses are hereby issued permitting exportation to destinations designated by numbers 1 through 81 in § 802.2 (a), of metal drums and containers, regardless of capacity, when filled with chemicals or petroleum products the exportation of which has been authorized by an individual export license issued prior to July 15, 1942.

This amendment shall become effective July 15, 1942. (Sec. 6, 54 Stat. 714, Public Law 75, 77th Cong., Public Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

F. R. KERR,  
Export Control Branch,  
Office of Exports.

[F. R. Doc. 42-6743; Filed, July 15, 1942; 4:46 p. m.]

## Chapter IX—War Production Board

#### Subchapter B—Director General for Operations

#### PART 955—MATERIAL ENTERING INTO THE CONSTRUCTION OF DEFENSE PROJECTS

[Amendment 1 to Preference Rating Order P-19]

By virtue of the authority vested in the Director General for Operations, it is hereby ordered that:

All serial numbers, except Nos. 1 through 81, of Preference Rating Order P-19 (§ 955.1)<sup>2</sup> are hereby amended as follows:

Paragraph (a) (3) is hereby amended to read as follows:

(3) "Supplier" means any person with whom a contract or purchase order has

<sup>1</sup> 7 F.R. 5007.

<sup>2</sup> 6 F.R. 3592.



been placed for delivery of Material to the builder or to another supplier.

Paragraph (a) is hereby further amended by adding the following subparagraph (5):

(5) "Expendible material" means material which will be wholly consumed by the builder at the location and during the construction of the Defense Project including (but not limited to) explosives, abrasives, perishable tools, forms, scaffolding, and the like. "Expendible material" shall not be deemed to include fuel, construction machinery or repair parts for construction machinery.

Paragraph (b) is hereby amended to read as follows:

(b) *Assignment of preference rating.* Preference Rating ----- is hereby assigned to deliveries to the builder of expendible material and material which will be physically incorporated into the Defense Project.

Paragraphs (c) and (d) are hereby revoked, and the following paragraph (c) is hereby substituted therefor:

(c) *Application and extension of preference rating.* (1) The preference rating assigned hereby may be applied by the builder to deliveries of expendible material and material which will be physically incorporated into the Defense Project in conformity with the provisions of Priorities Regulation No. 3<sup>2</sup> as amended.

(2) Any supplier to whom the preference rating hereby assigned has been applied or extended by the builder or by another supplier may extend such rating in conformity with the provisions of Priorities Regulation No. 3<sup>2</sup> as amended.

Paragraph (f) is hereby amended to read as follows:

(f) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, the builder shall retain for a period of 2 years for inspection by representatives of the War Production Board, endorsed copies of all purchase orders or contracts to which the rating assigned hereby has been applied, whether accepted or rejected, segregated from all other purchase orders or contracts and filed in such manner that they can be readily segregated for such inspection.

Paragraph (i) is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of July 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-6756; Filed, July 16, 1942; 10:51 a. m.]

<sup>2</sup> 7 F.R. 250, 1566, 4422, 4833, 5404.

#### PART 1028—DOMESTIC COOKING APPLIANCES

[Amendment 1 to Supplementary Limitation Order L-23-b<sup>1</sup>]

Section 1028.3 (Supplementary Limitation Order L-23-b) is hereby amended in the following particulars:

Paragraph (a) is hereby amended by adding at the end thereof the following new subparagraphs:

(5) "New domestic electric range" means any domestic electric range which has never been used by an ultimate consumer, including, but not limited to any such range which has been used merely for demonstration purposes unless such use occurred prior to May 2, 1942.

(6) "Manufacturer" means any person who manufactures or assembles any new domestic electric range.

(7) "Dealer" means any person (other than a manufacturer or distributor) engaged in the business of making sales at retail of new domestic electric ranges to the public.

(8) "Distributor" means any person engaged in the business of selling new domestic electric ranges to dealers for resale.

(9) "Factory sales value" means the manufacturer's maximum wholesale price, as determined by Price Schedule No. 64, issued by the Office of Price Administration, as amended from time to time.

Paragraph (c) is hereby amended to read as follows:

(c) *Restrictions on the distribution of new domestic electric ranges.* On and after May 2, 1942, notwithstanding the terms of any contract, agreement, or commitment to the contrary, no person shall transfer any new domestic electric range (whether manufactured before or after May 2, 1942) except that:

(1) Any new domestic electric range may be transferred in fulfillment of any order or contract bearing a preference rating of A-9 or higher, assigned prior to July 16, 1942.

(2) Any new domestic electric range which was actually in transit on May 2, 1942, may be delivered to its immediate destination.

(3) Any new domestic electric range may be transferred pursuant to specific authorization of the Director General for Operations on Form PD-423.

(4) On and after July 16, 1942:

(i) Any new domestic electric range may be transferred in fulfillment of any contract, subcontract or purchase order for delivery of any such range to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, provided that such range is not acquired for resale purposes;

(ii) Any new domestic electric range may be transferred in fulfillment of any purchase order or contract to which a preference rating of A-10 or higher has been assigned pursuant to any of the fol-

<sup>1</sup> 7 F.R. 3323.

lowing preference rating orders: P-19-d, P-55<sup>2</sup> or P-110;

(iii) Any new domestic electric range which was in the inventory of a dealer on July 16, 1942, may be transferred by any person to any other person without limit as to the number of transfers of any such range which may be made, provided that any transfer of such a range to an ultimate consumer (other than a transfer coming under the provisions of subparagraphs (1), (2), (3), (4) (i) or (4) (ii) of this paragraph (c)) must be in accordance with the provisions of subdivision (v) of this paragraph (c) (4);

(iv) Any new domestic electric range which has a factory sales value of \$80.00 or more may be freely transferred, provided that any transfer to an ultimate consumer (other than a transfer coming under the provisions of subparagraphs (1), (2), (3), (4) (i) or (4) (ii) of this paragraph (c)) must be made in accordance with the provisions of subdivision (v) of this paragraph (c) (4);

(v) Any transfer of a new domestic electric range to an ultimate consumer (other than a transfer coming under the provisions of subparagraph (1), (2), (3), (4) (i) or (4) (ii) of this paragraph (c)) permitted by this order, may be made only if the transferee signs a certificate in writing (which shall constitute a representation to the transferor and to the War Production Board), either

(a) That a new domestic electric range is required to replace one which is worn-out, damaged beyond repair or destroyed, or

(b) That no other cooking equipment is available, that the premises are wired for the installation of a domestic electric range, and that electric utility service facilities for range operation are installed.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of July 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-6755; Filed, July 16, 1942; 10:51 a. m.]

#### PART 1046—SUPPLIERS

[Exemption 7 to Suppliers' Inventory Limitation Order L-63<sup>1</sup>]

§ 1046.10 *Exemption 7 to Suppliers' Inventory Limitation Order L-63.* Pursuant to paragraph (b) (6) of Suppliers' Inventory Limitation order No. L-63 as amended, the Director General for Operations hereby exempts from the provision of said order all suppliers located outside of the 48 States of the United States and the District of Columbia.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th

<sup>1</sup> 7 F.R. 2630, 3081, 3390, 3662, 3878, 4480.

<sup>2</sup> 6 F.R. 4842; 7 F.R. 217, 1636.



Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of July, 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-6758; Filed, July 16, 1942;  
10:51 a. m.]

#### PART 1112—OFFICE MACHINERY

[Amendment 1 to General Limitation Order  
L-54-c<sup>1</sup>]

Section 1112.4, General Limitation Order L-54-c, is hereby amended in the following respects:

Subparagraphs (1) and (2) of paragraph (c) are amended to read as follows:

(1) *List A quotas.* Between June 1, 1942 and November 30, 1942, inclusive, each manufacturer of the kinds of new office machinery listed in List A shall not manufacture a dollar value (based on retail list prices) of such new office machinery, exclusive of the value of special machines to be delivered under paragraph (e) (1) (ii) and of machines to be delivered free of restrictions pursuant to the provisions of paragraph (e) (1) (iv), in excess of six times the percentage specified in List A of average monthly dollar value (based on retail list prices) of such kinds of new office machinery billed to customers by such manufacturer during calendar year 1941. On and after December 1, 1942, no manufacturer shall produce any of the kinds of new office machinery listed in List A.

(2) *List B quotas.* Between June 1, 1942 and December 31, 1942, inclusive, each manufacturer of the kinds of new office machinery listed in List B shall not manufacture a dollar value (based on retail list prices) of such new office machinery, exclusive of the value of special machines to be delivered under paragraph (e) (1) (ii) and of machines to be delivered free of restrictions pursuant to the provisions of paragraph (e) (1) (iv), in excess of seven times the percentage, specified in List B, of average monthly dollar value, (based on retail list prices) of such kinds of new office machinery billed to customers by such manufacturer during the calendar year 1941.

Subparagraph (6) of paragraph (c) is amended to read as follows:

(6) *Further limitation on production rate.* No manufacturer shall increase his over-all rate of production of new office machinery, including machinery to be delivered under paragraphs (e) (1) (ii) and (e) (1) (iv), above the over-all rate of production of new office machinery at which he was operating during the month of April 1942, unless expressly authorized by the Director General for Operations.

Paragraph (e) (1) (iii) (a) is amended to read as follows:

<sup>1</sup> 7 F.R. 4202.

(a) *Army and Navy and Maritime Commission.* From time to time, the Director General for Operations will notify manufacturers and dealers on Form PD-423 of quantities of new office machinery which shall be delivered to the Army, the Navy, or the Maritime Commission, without further authorization and in preference to any other deliveries, except when specifically instructed otherwise by the Director General for Operations. On and after the effective date of this order, manufacturers and dealers may not deliver new office machinery on Preference Rating Certificates PD-3 and PD-3A, except to fill back orders of the Army or Navy of the United States pursuant to paragraph (e) (1) (i).

Paragraph (e) (1) (iv) (a) and (b) are amended to read as follows:

(a) Any manufacturer may distribute his stock of any particular kind, model or type of new office machinery free of all restrictions upon delivery imposed under this order by complying with the following restrictions:

(1) On or before 30 days after the date of issuance of the original Order L-54-c, such manufacturer shall notify the War Production Board of his intention to deliver any particular kind, model or type of new office machinery free of all restrictions upon delivery imposed under this order, and shall state in his notification the number of machines of each kind, model or type, to be so delivered, specifying the portion of such number already completed and on hand, and the portion subsequently to be assembled.

(2) On or before 30 days after the date of issuance of the original Order L-54-c, such manufacturer shall halt all fabrication of parts for such kind, model or type of new office machinery.

(3) On or before 60 days after the date of issuance of the original Order L-54-c, such manufacturer shall halt all assembly of such kind, model or type of new office machinery.

(b) The notification to the War Production Board, specified in subparagraph (iv) (a) (1) above, shall take the following form:

Director General for Operations—Ref: L-54-c War Production Board, Washington, D. C.

Pursuant to the provisions of paragraph (e) (1) (iv) of Order L-54-c, the undersigned hereby elects to distribute his stock of the machines listed below without restriction. As a condition of such election, the undersigned will comply with the following order of the War Production Board.

1. To halt all fabrication of parts for new office machinery, of the kinds, models, and types listed below, on or before 30 days after the date of issuance of General Limitation Order L-54-c.

2. To halt all assembly of new office machinery, of the kinds, models and types listed below, on or before 60 days after the date of issuance of General Limitation Order L-54-c.

The following types, kinds and models are subject to this order: (Here insert types of machine, model or style number, unit retail list price, use or application of machine, and the number of machines of this model sold on ratings of A-1-j or better during the first quarter of 1942. Also state the number of machines of this model to be distributed without restriction, specifying the portion of

that number already completed and on hand, and the portion to be assembled.)

By \_\_\_\_\_ Company.

Paragraph (f) is amended to read as follows:

(f) *Deliveries to dealers and returns to manufacturers.* Without further authorization, manufacturers or dealers may deliver new office machinery to dealers in the following two instances only:

(1) To replace new office machinery delivered by such a dealer to fill an order authorized by the terms of this order L-54-c; or to fill an order authorized by the terms of this Order L-54-c actually received by such dealer. In both instances, the dealer shall furnish to the manufacturer or other dealer a photostat or certified copy of the PD-1A or other authorized basis for delivery of new office machinery. Reproduction of any PD-1A or other document for such purpose is hereby permitted. Without further authorization, dealers may return new office machinery to any manufacturer willing to accept the same, and manufacturers may accept delivery of such new office machinery from dealers.

(2) To store or display such new office machinery on the dealer's premises, provided that the new office machinery so stored or displayed is in the absolute control and ownership of the manufacturer and may be removed, transferred or shipped by such manufacturer at any time in his discretion.

Items (2), (4), and (6) of List A are amended to read as follows:

	Per- cent
(2) Continuous forms handling machines, typewriter principle, having carbon paper handling devices constructed as an integral part of the machine.....	75
(4) Dictating machines and collateral equipment. Also, machines (except those which are produced for and are delivered to and for the use of the Army, Navy, or Maritime Commission) embodying amplifiers and other facilities for recording telephone conversations, conferences, and wireless messages with near and far voice control.....	25
(6) Microfilm machines designed for office functions.....	67

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of July 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-6757; Filed, July 16, 1942;  
10:51 a. m.]

#### PART 3004—LITHIUM COMPOUNDS

[General Preference Order M-191]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of lith-



lithium compounds for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3004.1 *General Preference Order M-191*—(a) *Definitions*. (1) "Lithium compounds" means all salts of the element lithium except crude lithium sodium phosphate and in addition includes lithium metal, lithium hydride, and lithium hydroxide. The term does not include lithium bearing ores;

(2) "Producer" means any person engaged in the production of lithium compounds and includes any person who has any such compound produced for him pursuant to toll agreement;

(3) "Distributor" means any person who purchases or has purchased lithium compounds for resale as such.

(b) *Restrictions on deliveries*. (1) On and after September 1, 1942, no producer or distributor, except as provided in paragraph (b) (3) hereof, shall make delivery of lithium compounds to any person unless and until he shall have been authorized to do so by the Director General for Operations; and no person shall accept delivery of lithium compounds if such delivery would be in violation hereof. Prior to the beginning of each calendar month beginning with September, 1942, the Director General for Operations will issue to all producers and directly or indirectly to all distributors specific authorizations or directions covering deliveries of lithium compounds which may or must be made by such producer or distributor during such month, and he may also during any month, including July and August, 1942, issue such other authorizations or directions as he may deem appropriate or necessary, either with respect to deliveries to be made or with respect to use or uses to which material to be delivered or then on hand is to be put or not to be put. Each producer or distributor, upon being informed of the deliveries which such Director has authorized or directed, shall forthwith notify each of his customers affected thereby.

(2) In the event that any producer or distributor, after receiving notice from the Director General for Operations with respect to a delivery of lithium compounds which he is authorized to make during any month, shall be unable to make such delivery, whether because of receipt of notice of cancellation from his customer or otherwise, such producer or distributor shall forthwith give notice of such fact to the Chemicals Branch of the War Production Board, and shall not in the absence of specific authorization from the Director General for Operations resell or otherwise dispose of the lithium compounds which he is unable to deliver as aforesaid.

(3) This paragraph (b) shall not prevent the delivery to, or acceptance of delivery by, any person in any calendar month of lithium compounds in a quantity of twenty-five lbs. or less, in terms of lithium oxide equivalent.

(c) *Placing of orders and scheduling of deliveries*. (1) Every person who

seeks delivery of lithium compounds in any month in a quantity in excess of twenty-five lbs., in terms of lithium oxide equivalent, whether for own use or resale, shall place his order with his supplier for his requirements for each calendar month, commencing with September, 1942, and shall submit with his order Form PD-585, properly executed by him. Where such supplier is a distributor, such order and Form PD-585 shall be filed with such distributor on or before the 10th day of the month preceding the month in which delivery is sought, and such Form PD-585 shall be filed in triplicate. Where such supplier is a producer, such order and Form PD-585 shall be filed with such producer on or before the 15th day of such preceding month and such Form PD-585 shall be filed in duplicate. Where the order filed, with a producer is the order of a distributor, the distributor must file with the producer in addition to his own Form PD-585, in duplicate, the original and one copy of each Form PD-585 filed with him pursuant to this paragraph (c) (1) by each customer of his.

(2) Each producer of lithium compounds shall, on or before the 20th day of each month file with the Chemicals Branch of the War Production Board, Washington, D. C., Form PD-586 (in triplicate), properly executed, which shall list among other things a schedule of deliveries of lithium compounds which such producer proposes to make in the succeeding month. The original of each Form PD-586 shall be accompanied by the original of each Form PD-585 submitted to the producer by each customer of his. After such forms have been filed with such Chemicals Branch, any material change of circumstances or matters occurring thereafter pertaining to said Form PD-586 shall forthwith be reported to such Chemicals Branch.

(d) *Miscellaneous provisions*—(1) *Records*. All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(2) *Audit and inspection*. All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(3) *Notification of customers*. Producers and distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any person from the obligation of complying with the terms of this order.

(4) *Applicability of Priorities Regulation No. 1*. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(5) *Communications to War Production Board*. All reports required to be filed hereunder, and all communications concerning this order, shall, unless

otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C.—Ref.: M-191.

(6) *Violations or false statements*. Any person who wilfully violates any provisions of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of July 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-6754; Filed, July 16, 1942;  
10:51 a. m.]

## Chapter XI—Office of Price Administration

### PART 1305—ADMINISTRATION

#### [General Order 3]

#### DELEGATION TO REGIONAL ADMINISTRATORS OF AUTHORITY TO SEND LICENSING WARNING NOTICES

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, the following order is prescribed.

§ 1305.13 *Order delegating to Regional Administrators authority to send licensing warning notices*—(a) The functions, duties, powers, authority and discretion conferred upon the Price Administrator by section 205 (f) of the Emergency Price Control Act of 1942 shall be exercised by the Price Administrator through the several Regional Administrators of the Office of Price Administration, to the following extent:

(1) Each of the several Regional Administrators of the Office of Price Administration is authorized, within his Region, to send a warning notice by registered mail to any person who, in the judgment of such Regional Administrator, has violated any of the provisions of a license issued under section 205 (f) of the Emergency Price Control Act of 1942, or has violated any of the provisions of any regulation, order, or requirement under section 2 or section 202 (b) of said Act, or any of the provisions of any price schedule effective in accordance with the provisions of section 206 of said Act, which is applicable to such person.

(2) Any warning notice sent by any Regional Administrator pursuant to the authority conferred by this General Order No. 3 (§ 1305.13) shall have the same force and effect as if sent by the Price Administrator.



(b) This General Order No. 3 (§ 1305.13) shall take effect July 18, 1942. (Pub. Law 421, 77th Cong.).

Issued this 15th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6751; Filed, July 15, 1942;  
5:06 p. m.]

#### PART 1305—ADMINISTRATION

[Supp. Order 10]

##### JUDICIAL SALES

Pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

§ 1305.14 *Judicial sales excluded from operation of price schedules and maximum price regulations, except as specified.* (a) Except as provided in paragraphs (b) and (c) hereof, no provisions of any price schedule or maximum price regulation heretofore or hereafter issued by the Office of Price Administration shall be deemed to apply to any sale, at auction or otherwise, in liquidation of assets, held pursuant to the provisions of any order of sale made or entered by a State or Federal court (hereinafter referred to as a "judicial sale").

(b) This Supplementary Order No. 10 shall not apply to or affect any price schedule or maximum price regulation insofar as the same fixes the maximum price for the following commodities:

(1) *Machinery products.* (i) Second-hand machine tools as defined in and covered by Revised Price Schedule No. 1, or any amendment thereto.

(ii) New machine tools as defined in and covered by Revised Price Schedule No. 67, or any amendment thereto.

(iii) (a) Farm equipment.

(b) Any second-hand farm equipment having an appraised value in excess of \$100. For the purpose of this subdivision (iii), "farm equipment" shall be defined as provided in Maximum Price Regulation No. 133, or any amendment thereto.

(iv) (a) Machines and parts.

(b) Any second-hand machine or part having an appraised value in excess of \$250. For the purpose of this subdivision (iv), "machines and parts" shall be defined as provided in Maximum Price Regulation No. 136, or any amendment thereto.

(2) *Commodities under restrictive order.* (i) Commodities which in the hands of the seller or his legal successor or representative may not be sold or transferred, or may be sold or transferred only to specified persons or classes of persons, or under specified conditions, under applicable rules, regulations or orders of the War Production Board, Office of Price Administration or other governmental agency, or any official of any such.

(ii) And such other commodities as may from time to time hereafter be specifically added by amendment to this paragraph. All commodities enumerated

in this paragraph (b), sold or offered for sale at any judicial sale, shall remain subject to all price schedules and maximum price regulations issued by the Office of Price Administration with respect to such commodity.

(c) This order shall not apply to the following sales:

(1) Sales in the course of trade by a trustee in bankruptcy, receiver, administrator, executor, fiduciary or other officer of a court, engaged in continuing a business under court order.

(2) Privately conducted sales and auctions not held pursuant to an order of sale of a State or Federal court.

(3) Sheriffs' sales, constables' or bailiffs' sales, marshals' sales and other sales or auctions held under writ.

(4) Sales by governmental bodies or agencies, held pursuant to statute or ordinance, or both.

All such sales shall remain subject to the provisions of all applicable price schedules and maximum price regulations of the Office of Price Administration.

(d) Whenever used in this Supplementary Order No. 10 the term:

(1) "Court" shall include a judge, referee in bankruptcy, commissioner, special master or other judicial officer.

(2) "Commodity" shall have the definition set forth in section 302 (c) of the Emergency Price Control Act of 1942.

(3) "Legal successor or representative" shall include a receiver, trustee in bankruptcy, administrator, executor or fiduciary.

(e) *Effective date of Supplementary Order No. 10:* This Supplementary Order No. 10 (§ 1305.14) shall become effective July 20, 1942. (Pub. Law 421, 77th Cong.)

Issued this 15th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6749; Filed, July 15, 1942;  
5:09 p. m.]

#### PART 1307—RAW MATERIALS FOR COTTON TEXTILES

[Amendment 6 to Revised Price Schedule 7<sup>1</sup>]

##### COMBED COTTON YARNS AND THE PROCESSING THEREOF

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.<sup>2</sup>

Inferior subdivisions (a) (2), (b) and (c) in § 1307.12 (d) (4) (iii) are amended to read as set forth below:

§ 1307.12 *Appendix A: Maximum prices for combed yarns and for mercerizing, bleaching, and/or gassing thereof.* \* \* \*

(d) *Maximum prices for combed yarns not covered by contract prior to Decem-*

<sup>1</sup> F. R. 1221, 1836, 2000, 2132, 2277, 2393, 2509, 2737, 3160, 3551, 3664.

<sup>2</sup> Copies may be obtained from the Office of Price Administration.

ber 24, 1941, and for mercerizing, bleaching and/or gassing. \* \* \*

(4) *Premiums.* \* \* \*

(iii) *Jobbers (a)* \* \* \*

(2) Sell combed yarn in lots of 1 to 3 unbroken cases at a premium of 5 percent: *Provided*, That except as set forth below no jobber shall avail himself of this premium in connection with sales in any calendar month in excess of 3,000 pounds to the same customer or 20,000 pounds to all his customers.

(b) Thos. D. Toy & Co., 118 East 25th Street, New York, New York, may sell combed yarn:

(1) In broken case lots as provided in (a) (1) of this subdivision;

(2) In lots of 1 to 3 unbroken cases at a premium of 5 percent:

*Provided*, That it may not avail itself of this premium in connection with sales in any calendar month in excess of 5,000 pounds to the same customer or 60,000 pounds to all its customers.

(c) Ernest W. Hayward & Co., 407 Fourth Avenue, New York, New York, may sell combed yarn:

(1) In broken case lots as provided in (a) (1) of this subdivision;

(2) In lots of 1 to 3 unbroken cases at a premium of 5 percent:

*Provided*, That it may not avail itself of this premium in connection with sales in any calendar month in excess of 3,000 pounds to the same customer or 40,000 pounds to all its customers.

§ 1307.11 *Effective dates of amendments.* \* \* \*

(n) Amendment No. 6 (§ 1307.12 (d) (4) (iii)) to Revised Price Schedule No. 7 shall become effective July 18, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 15th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6746; Filed, July 15, 1942;  
5:05 p. m.]

#### PART 1340—FUEL

[Amendment 22 to Revised Price Schedule 88<sup>1</sup>]

##### PETROLEUM AND PETROLEUM PRODUCTS

CRUDE PETROLEUM, PETTUS FIELD, TEX.

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.<sup>2</sup>

A new inferior subdivision (vii) is added to § 1340.159 (c) (1), as follows:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* \* \* \*

(c) *Specific prices.* \* \* \*

(i) *Crude petroleum.* \* \* \*

(vii) *Texas.* The maximum price at the well for crude distillate produced in the Pettus field, Bee County, Texas, shall be \$1.50 per barrel.

<sup>1</sup> F. R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 2945, 3116, 3432, 3524, 3576, 3895, 3963.



§ 1340.158a. *Effective dates of amendments.* \* \* \*

(v) Amendment No. 22 (§ 1340.159 (c) (1) (vii)) to Revised Price Schedule No. 88 shall become effective July 18, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 15th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6750; Filed, July 15, 1942;  
5:09 p. m.]

#### PART 1385—NAVAL STORES

[Maximum Price Regulation 179]

##### PINE OIL

In the judgment of the Price Administrator the prices of pine oil have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of pine oil prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1<sup>1</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 179 is hereby issued.

##### Sec.

- 1385.1 Prohibition.
- 1385.2 Less than maximum prices.
- 1385.3 Adjustable pricing.
- 1385.4 No sales above the General Maximum Price Regulation.
- 1385.5 Federal and state taxes.
- 1385.6 Evasion.
- 1385.7 Records and reports.
- 1385.8 Enforcement.
- 1385.9 Petitions for amendment.
- 1385.10 Definitions.
- 1385.11 Maximum prices for pine oil.
- 1385.12 Effective date.

AUTHORITY: §§ 1385.1 to 1385.12, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1385.1 *Prohibition against dealing in pine oil at prices higher than maximum prices.* On and after July 18, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver pine oil and no person shall buy or receive pine oil in the course of

trade or business at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1385.13, and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of pine oil to a purchaser if prior to July 18, 1942, such pine oil had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1385.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A hereof (§ 1385.11) may be charged, demanded, paid or offered.

§ 1385.3 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1385.4 *General Maximum Price Regulation.*<sup>2</sup> The provisions of this Maximum Price Regulation No. 179 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this Regulation: *Provided, however,* That nothing herein contained shall be construed to authorize any person to charge for pine oil any price in excess of the price for such pine oil as determined under § 1499.2 of the General Maximum Price Regulation (§ 1499.1 through § 1499.25) issued on April 28, 1942.

§ 1385.5 *Federal and state taxes.* Any tax upon, or incident to the sale, delivery, processing, or use of pine oil imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such pine oil and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during any part of the six-month period ending March 31, 1942.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during any part of the six-month period ending March 31, 1942, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 179.

(2) In all other cases, if, at the time the seller determines his maximum price,

the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 179.

(b) *As to a tax or increase in a tax which becomes effective after March 31, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1385.6 *Evasion.* Price limitations set forth in this Maximum Price Regulation No. 179 shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to pine oil, alone or in conjunction with any other commodity or by way of commission, service transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding or otherwise.

§ 1385.7 *Records and reports.* (a) Every person making sales of pine oil after July 17, 1942, shall keep for inspection by Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or resale, showing the date thereof, the name and address of the buyer, and the seller, the price contracted for or received and the quantity of each type and grade of such pine oil purchased or sold.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section, as the Office of Price Administration may, from time to time, require.

§ 1385.8 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 179, are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 179 or any Price Schedule, Regulation or Order issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field or regional

<sup>1</sup> 7 F.R. 971, 3663.

<sup>2</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339.



offices of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1385.9 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 179 or any adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1385.10 *Definitions.* (a) When used in this Maximum Price Regulation No. 179 the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(2) "Pine oil" includes the various grades of natural and synthetic pine oil, and alpha terpineol whether made by steam distillation, destructive distillation or synthesis as hereinafter specified.

(3) "Zone 1" includes that part of the continental United States east of the eastern boundary of the states of North Dakota, South Dakota, Nebraska, Oklahoma, and Texas and shall also include the area adjacent to and served from the cities of Omaha, Nebraska; Oklahoma City and Tulsa, Oklahoma; Dallas, Fort Worth and Houston, Texas.

(4) "Zone 2" includes that part of the continental United States not included in Zone 1.

(5) "Basic pine oil" includes all natural pine oil, steam and destructively distilled, of the following minimum specifications with the exception of B 3 Reagent manufactured by the Hercules Powder Company:

Specific Gravity @ 15.6/-  
15.6° C. 0.930 minimum.  
Refractive Index @ 20° C. 1.475 minimum.  
Unpolymerized Residue 5% maximum.  
A. S. T. M. Distillation Range:  
Not more than 5% @ 180° C.  
Not less than 95% @ 225° C.  
Moisture content not more than 1%.  
Acidity: not more than 0.5% calculated as acetic acid.

(6) "Alpha Terpineol" includes all natural alpha terpineol of the following minimum specifications:

Specific Gravity @ 15.6/-  
15.6° C. 0.938 minimum.  
Refractive Index @ 20° C. 1.4832 minimum.  
Unpolymerized Residue 2.5% maximum.  
Total Alcohols 95% minimum to 98½% maximum.

A. S. T. M. Distillation Range:  
Not more than 5% @ 210° C.  
Not less than 95% @ 225° C.  
Moisture content not more than 0.5%.  
Acidity: not more than 0.5% calculated as acetic acid.

(7) "Synthetic pine oil" includes all synthetic pine oil of the following minimum specifications with the exception of

Beta Pine Oil manufactured by Newport Industries, Incorporated:

Specific Gravity @  
15.6/15.6° C. 0.918 minimum.  
Refractive Index @ 20° C. 1.470 minimum.  
Unpolymerized Residue 3½% maximum.  
A. S. T. M. Distillation Range:  
Not more than 5% @ 190° C.  
Not less than 95% @ 230° C.  
Moisture content not more than 0.5%.  
Acidity: not more than 0.5% calculated as acetic acid.

(8) "Synthetic Alpha Terpineol" includes all synthetic alpha terpineol of the following minimum specifications:

Specific Gravity @  
15.6/15.6° C. 0.940 minimum.  
Refractive Index @ 20° C. 1.482 minimum.  
Unpolymerized Residue 1% maximum.  
Total Alcohols 95% minimum.  
A. S. T. M. Distillation Range:  
Not more than 5% @ 214° C.  
Not less than 95% @ 225° C.  
Moisture content not more than 0.5%.  
Acidity: not more than 0.5% calculated as acetic acid.

(9) "Light gravity pine oil" includes all natural pine oil or related products of the following minimum specifications:

Specific Gravity @ 15.6/  
15.6° C. 0.900 minimum.  
Refractive Index @ 20° C. 1.475 minimum.  
Unpolymerized Residue 5% maximum.  
A. S. T. M. Distillation Range:  
Not more than 5% @ 180° C.  
Not less than 95% @ 225° C.  
Moisture content not more than 1%.  
Acidity: not more than 0.5% calculated as acetic acid.

(10) For the purposes of conversion from gallons to pounds a gallon shall be deemed to weigh 7.8 pounds.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1385.11 *Appendix A: Maximum prices for pine oil.* (a) The maximum prices for pine oil shall be either the seller's maximum price as determined under § 1499.2 of the General Maximum Price Regulation<sup>2</sup> or the maximum prices established by this appendix A incorporated herein as § 1385.11, whichever is lower.  
(b) The following maximum prices in dollars per gallon are established for pine oil f. o. b. producer's plant:

Class	Tank cars	Carload drums or barrels	Less carload drums or barrels
Basic pine oil.....	\$0.55	\$0.60	\$0.63
Alpha terpineol.....	1.05	1.10	1.13
Light gravity pine oil.....	.50	.55	.58

(c) *Synthetic pine oil.* The maximum price per gallon for synthetic pine oil in tank cars f. o. b. producer's plant shall not exceed its cost of production plus an amount equal to the average dollar and cents mark-up for tank car sales over the average cost of production ob-

tained by its producer for natural basic pine oil during 1941. To this price may be added 5 cents per gallon for sales in carload drum or barrel quantities and 8 cents per gallon for sales in less than carload drum or barrel quantities.

(d) *Synthetic alpha terpineol.* The maximum price per gallon for synthetic alpha terpineol in tank cars f. o. b. producer's plant shall not exceed its cost of production plus an amount equal to the average dollar and cents mark-up for tank car sales over the average cost of production obtained by its producer for natural alpha terpineol during 1941. To this price may be added 5 cents per gallon for sales in carload drum or barrel quantities and 8 cents per gallon for sales in less than carload drum or barrel quantities.

(1) For the purposes of paragraphs (c) and (d) of this section "cost of production" shall mean only the sum of the costs of—

- (i) Raw materials,
- (ii) Direct and indirect labor,
- (iii) Factory overhead or burden.

(e) *Sales in Zone 1.* For sales f. o. b. warehouse in Zone 1, the maximum prices for pine oil shall be the less than carload f. o. b. drum price plus 10 cents per gallon.

(f) *Sales in Zone 2.* For sales f. o. b. warehouse in Zone 2, the maximum prices for pine oil shall be the less than carload f. o. b. drum price plus 18 cents per gallon.

(g) *Export sales.* The maximum price at which a person may export pine oil shall be determined in accordance with the provisions of the Maximum Export Price Regulation<sup>3</sup> issued by the Office of Price Administration.

(h) *Containers.* The maximum prices established by this Maximum Price Regulation No. 179 shall not be increased by any charges for containers. Seller may, however, require the return of containers. When sales are made upon a container returnable basis, seller may require a reasonable deposit for the return of such containers, but such deposit must be refunded to the buyer upon the return of the container in good condition within a reasonable time. Transportation costs with respect to the return of empty containers to seller shall in all cases be borne by seller.

(i) *Credit charges.* The maximum prices established by this Maximum Price Regulation No. 179 shall not be increased by any charges for the extension of credit.

§ 1385.12 *Effective date.* This Maximum Price Regulation No. 179 (§§ 1385.1 to 1385.12) shall become effective July 18, 1942.

Issued this 15th day of July, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6745; Filed, July 15, 1942; 5:04 p. m.]

<sup>2</sup> *Supra*, note 2.

<sup>3</sup> 7 F.R. 5054.



**PART 1499—COMMODITIES AND SERVICES**  
[Amendment 15 to General Maximum Price Regulation<sup>1</sup>]

**PROVISION FOR CERTAIN SUPPLEMENTARY REGULATIONS**

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.<sup>4</sup>

A new undesignated center headnote "Special Provisions" and text thereto is added to § 1499.2 as set forth below.

§ 1499.2 *Maximum prices for commodities and services: General provisions.*

**"Special Provisions"**

The maximum prices established by this section for certain commodities or services or in certain transactions may be modified by supplementary regulation issued under this section.

§ 1499.23a *Effective dates of amendments.*

(c) Amendment No. 15 (§ 1499.2 "Special Provisions") to General Maximum Price Regulation shall become effective July 15, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 15th day of July, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6744; Filed, July 15, 1942; 5:04 p. m.]

**PART 1499—COMMODITIES AND SERVICES**  
[General Maximum Price Regulation<sup>1</sup>—Amendment 15 to Supplementary Regulation 1<sup>2</sup>]

**EXCEPTIONS FOR CERTAIN COMMODITIES, CERTAIN SALES AND DELIVERIES**

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.<sup>4</sup>

Subparagraph (1) of § 1499.26 (b) is amended to read as set forth below:

§ 1499.26 *Exceptions for certain commodities, certain sales and deliveries.*

(b) The General Maximum Price Regulation shall not apply to the following sales or deliveries:

(1) By persons engaged in reconditioning and selling damaged commodities received in direct connection with the adjustment of losses, from insurance companies, transportation companies or agents of the United States Govern-

ment: *Provided*, Such persons have registered with and have been approved by the Office of Price Administration as engaged principally and primarily in such business, and whose other activities do not include selling new or second-hand commodities for their own account.

(e) *Effective dates.* \* \* \*

(16) Amendment No. 15 (§ 1499.26 (b) (1)) to Supplementary Regulation No. 1 shall become effective July 16, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 15th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6748; Filed, July 15, 1942; 5:06 p. m.]

**PART 1499—COMMODITIES AND SERVICES**  
[Maximum Prices Authorized Under § 1499.3 (b) of the General Maximum Price Regulation<sup>1</sup>—Order 33]

ACER & WHEDON, INC.

Application has been made pursuant to § 1499.3 (b) of The General Maximum Price Regulation for the determination of a maximum price for the sale and delivery by Acer & Whedon, Inc., Medina, New York, of fittings and connectors to be used in the installation of "Formdux".<sup>2</sup> Due consideration has been given to the application and an Opinion in support of this Order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.<sup>4</sup> For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and pursuant to § 1499.3 (b) of The General Maximum Price Regulation issued by the Office of Price Administration, it is ordered:

§ 1499.70 *Maximum prices for sale by Acer & Whedon, Inc., of fittings and connectors to be used in the installation of "Formdux".* (a) Specific authorization is hereby given to Acer & Whedon, Inc., Medina, New York, to sell and deliver to Chrysler Airtemp Sales Corporation fittings and connectors to be used in the installation of "Formdux" at the prices set forth in a price list which was filed with the Office of Price Administration May 27, 1942.

(b) Acer & Whedon, Inc., shall keep and maintain for inspection by the Office of Price Administration full and complete itemized records showing the cost of labor and materials used in the manufacture and preparation for delivery of such fittings and connectors, and itemized sales records, showing the date of sale, the price received and the specifications and quantity of fittings and connectors sold, and shall make such reports with respect thereto as may be required by this Office.

<sup>1</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659.

<sup>2</sup> "Formdux" is a new composition duct material used for conducting air in heating and cooling systems.

(c) This Order No. 33 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 33 (§ 1499.70) shall become effective July 16th, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 15th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6747; Filed, July 15, 1942; 5:05 p. m.]

**PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT**

[Amendment 9 to Rationing Order 2A<sup>1</sup>]

**NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS**

Section 1360.310 (h) is amended to read as set forth below; in § 1360.336 two new paragraphs (h) and (i) are added and paragraph (c) is revoked:

**Definitions**

§ 1360.310 *Definitions.* \* \* \*

(h) "Pool car" means (1) any new passenger automobile which was not shipped by a manufacturer prior to January 16, 1942, to a person other than a person owned or controlled by the manufacturer, and (2) any new passenger automobile substituted for a pool car by authorization of the Office of Price Administration pursuant to the provisions of § 1360.337: *Provided, however*, That no new passenger automobile segregated by the manufacturer on or before March 2, 1942, for export, shall be deemed a "pool car."

**Restriction of Transfers**

§ 1360.336 *Removal of certain automobiles from the pool.* Subject to the provisions of § 1360.337, the Office of Price Administration may, in its discretion, from time to time, issue authorization to remove from the pool certain new passenger automobiles which fall under one or more of the following classifications:

(h) Automobiles, the physical condition of which has been substantially impaired.

(i) Automobiles with respect to which the following substitutions are offered:

(1) The automobile offered to be placed in the pool has a lower list price than, and bears the same body type as, the automobile sought to be removed. As used in this subparagraph, list price means the price prescribed in Appendix A (§ 1360.61) of Revised Price Schedule No. 85 issued by the Office of Price Administration or any amendments thereto;

(2) The automobile offered to be placed in the pool is a four-door sedan and the automobile sought to be removed is a body type other than a four-door sedan;

(3) The automobile offered to be placed in the pool is a two-door sedan and the automobile sought to be removed

<sup>1</sup> 7 F.R. 1542, 1647, 1756, 2108, 2242, 2305, 2903, 3097, 3482, 4343.

<sup>1</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276.

<sup>2</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192.

<sup>3</sup> 7 F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066.

<sup>4</sup> Copies may be obtained from the Office of Price Administration.



from the pool is a body type other than a two-door or four-door sedan;

(4) The extra equipment attached to the automobile offered to be placed in the pool is of less value than that attached to the automobile sought to be removed and both such automobiles are of the same make and body type. As used in this subparagraph, extra equipment means all equipment not included in the list price of new passenger automobiles as prescribed in Appendix A (§ 1360.61) of Revised Price Schedule No. 85 issued by the Office of Price Administration or any amendment thereto.

*Provided*, That as a condition to authorizing any removal pursuant to paragraphs (a) through (h), inclusive of that section, the Office of Price Administration may require substitution of a hard-top new passenger automobile for each automobile removed: *And provided*, That as a condition of authorizing any removal pursuant to paragraph (i), the Office of Price Administration shall require the substitution offered thereunder.

#### Effective Dates

#### § 1360.442 Effective dates of amendments. \* \* \*

(1) Amendment No. 9 (§§ 1360.310, 1360.336) to Rationing Order No. 2A shall become effective July 16, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, Supp. Dir. No. 1A, 7 F.R. 562, 698, 1493.)

Issued this 16th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6774; Filed, July 16, 1942; 12:01 p. m.]

### PART 1415—PROTECTIVE COATINGS

[Maximum Price Regulation 180]

#### COLOR PIGMENTS

A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1<sup>1</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 180 is hereby issued.

Sec.

- 1415.1 Maximum prices for color pigments.
- 1415.2 Less than maximum prices.
- 1415.3 Adjustable pricing.
- 1415.4 Evasion.
- 1415.5 Records and reports.
- 1415.6 Enforcement.
- 1415.7 Applicability of General Maximum Price Regulation.
- 1415.8 Petitions for amendment.
- 1415.9 Definitions.
- 1415.10 Applicability.
- 1415.11 Export sales.
- 1415.12 Effective date.
- 1415.13 Appendix A: Maximum prices for color pigments.

AUTHORITY: §§ 1415.1 to 1415.13, inclusive, issued under Pub. Law 421, 77th Cong.

<sup>1</sup> 7 F.R. 971, 3663.

§ 1415.1 *Maximum prices for color pigments.* (a) On and after May 11, 1942 regardless of any contract, agreement, lease, or other obligation, no producer of color pigments shall sell or deliver color pigments, and no person shall buy or receive color pigments from any such producer in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A (§ 1415.13); and no such person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of color pigments to a purchaser if prior to May 11, 1942 such color pigments had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) Any color pigments not specifically referred to in Appendix A (§ 1415.13) shall be subject to the provisions of the General Maximum Price Regulation,<sup>2</sup> issued April 28, 1942.

§ 1415.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1415.13) may be charged, demanded, paid or offered.

§ 1415.3 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1415.4 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 180 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to color pigments, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1415.5 *Records and reports.* (a) Every person making purchases or sales of color pigments for which maximum prices are established by this Maximum Price Regulation No. 180 on or after May 11, 1942 shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such purchase or sale showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity in pounds or tons purchased or sold.

(b) The provisions of § 1499.11 of the General Maximum Price Regulation<sup>3</sup> relating to base period records shall apply to sellers of color pigments for which maximum prices are established by this Maximum Price Regulation No. 180.

<sup>2</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659.

(c) Every person making sales of color pigments for which maximum prices are established by this Maximum Price Regulation No. 180 shall preserve all his existing records relating to his offering prices for such color pigments on January 2, 1942.

(d) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a), (b) and (c) of this section as the Office of Price Administration may from time to time require.

§ 1415.6 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 180 are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 180 or any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest District, State, Field or Regional Office of the Office of Price Administration, or its principal Office in Washington, D. C.

§ 1415.7 *Applicability of General Maximum Price Regulation.* Except as provided in §§ 1415.1 (b) and 1415.5 (b), the provision of this Maximum Price Regulation No. 180 supersede the provisions of the General Maximum Price Regulation with respect to sales or deliveries of color pigments for which maximum prices are established by this regulation.

§ 1415.8 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 180 or an adjustment or exception not provided for herein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1<sup>1</sup> issued by the Office of Price Administration.

§ 1415.9 *Definitions.* (a) When used in this Maximum Price Regulation No. 180 the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Color pigment" means any organic or inorganic pigment or mixtures thereof, and includes such pigments or mixtures thereof in pulp or flushed form, except that white, mineral earth, synthetic iron oxide, or carbonaceous black pigments shall not be considered color pigments within this definition.

(3) "Dry color" means a color pigment in dry form.

(4) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities or services for sales to different



purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or under different conditions of sale.

(5) "Most closely competitive seller of the same class". "Seller of the same class" means a seller (i) performing the same function (for example, manufacturing, distributing, retailing, processing, storing, installing, or repairing), (ii) of similar type (for example, department store, mail order house, chain store, specialty shop, cut-rate store), (iii) dealing in the same type of commodities or services, and (iv) selling to the same class of purchaser. A seller's "most closely competitive seller of the same class" shall be a seller of the same class who (a) is selling the same or a similar commodity or service, and (b) is closely competitive in the sale of such commodities or services, and (c) is located nearest to the seller.

(6) "Offering price" means the price quoted in the seller's price list, or, if he had no such price list, the price which he regularly quoted in any other manner. But "offering price" shall not include a price intended to withhold a commodity from the market, or a price offered as a bargaining price by a seller who usually sells at a price lower than his asking price.

(7) "Producer" means a person who manufactures color pigments.

(b) Unless the context otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Price Regulation No. 180.

**§ 1415.10 Applicability.** The provisions of this Maximum Price Regulation No. 180 shall be applicable to the United States, its territories and possessions, and the District of Columbia.

**§ 1415.11 Export sales.** The maximum price at which a person may export color pigment shall be determined in accordance with the provisions of the Maximum Export Price Regulation<sup>1</sup> issued by the Office of Price Administration.

**§ 1415.12 Effective date.** This Maximum Price Regulation No. 180 (§§ 1415.1 to 1415.13, inclusive) shall become effective as of May 11, 1942.

**§ 1415.13 Appendix A: Maximum prices for color pigments—(a) Producers sales of chrome yellow, chrome green, molybdate orange, or zinc yellow color pigments.** The maximum price which a producer of chrome yellow, chrome green, molybdate orange, or zinc yellow color pigments may charge for any such color pigment shall be such seller's maximum price for such color pigment as determined under the General Maximum Price Regulation<sup>2</sup> plus the amount

indicated in whichever one of the subparagraphs (1), (2), or (3) of this paragraph is applicable. The maximum price for any color pigment thus determined shall in no case exceed the sum of said amount and the offering price of such producer to a purchaser of the same class on January 2, 1942, for such color pigment. If the producer had no such offering price the maximum price shall not exceed the sum of said amount plus the offering price to a purchaser of the same class for such color pigment on January 2, 1942 of the most closely competitive seller of the same class.

(1) *Dry colors, full strength:* Where the above named color pigments are sold as full strength dry colors the following amounts respectively may be added to the maximum prices established by the General Maximum Price Regulation.

*Cents per pound*

C. P. or toner chrome yellow.....	0.5
C. P. or toner chrome green.....	.25
C. P. or toner molybdate orange.....	.35
C. P. or toner zinc yellow.....	.35

(2) *Pulp or flushed form.* Where the above named color pigments are sold in pulp or flushed form, the amounts specified in subparagraph (1) of this paragraph may be added to the maximum prices established by the General Maximum Price Regulation only in proportion to the full strength dry color content of such pulp or flushed color pigments.

(3) *Reduced colors.* Where the above named color pigments are sold as reduced colors no amounts may be added to the maximum prices established by the General Maximum Price Regulation.

(b) *Producers sales of dry colors for delivery in Oregon, Washington or California.* The maximum price which a producer of dry colors may charge for any such dry color in the case of any shipment or delivery to Oregon, Washington or California shall be such seller's maximum price for such dry color delivered in Washington, California, or Oregon as determined under the General Maximum Price Regulation<sup>2</sup> or paragraph (a) of this section, whichever is applicable, plus 0.6 cent per pound. The maximum price so determined, in the case of dry colors other than chrome yellow, chrome green, molybdate orange or zinc yellow dry colors, shall in no case exceed the sum of the offering price of such producer to a purchaser of the same class on January 2, 1942, for such dry color plus 0.6 cent per pound. If the producer had no such offering price his maximum price shall not exceed the sum of the offering price to a purchaser of the same class for such dry color on January 2, 1942, of the most closely competitive seller of the same class plus 0.6 cent per pound.

Issued this 16th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6768; Filed, July 16, 1942;  
11:59 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Maximum Prices Authorized Under § 1499.3 (b) of the General Maximum Price Regulation<sup>1</sup>—Order No. 34]

DAVISON CHEMICAL CORPORATION

DESSICATING COVER PLATES FOR ENGINE PACKING

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, it is hereby ordered:

**§ 1499.71 Approval of maximum prices for sales of dessicating cover plates for engine packing by the Davison Chemical Corporation.** (a) The maximum prices for the sale by the Davison Chemical Corporation, Baltimore, Maryland, of dessicating cover plates for engine packing manufactured by that corporation, shall be:

Part number	Price per unit
695-420-X1032:	
Quantities of 1,000.....	\$0.57
Quantities of 5,000.....	.45
Quantities of 10,000.....	.43
695-420-X1030:	
Quantities of 1,000.....	.60
Quantities of 5,000.....	.48
Quantities of 10,000.....	.47
695-420-X1031:	
Quantities of 1,000.....	1.00
Quantities of 5,000.....	.84
Quantities of 10,000.....	.83
695-420-X1033:	
Quantities of 1,000.....	1.44
Quantities of 5,000.....	1.29
Quantities of 10,000.....	1.28
695-420-X1027:	
Quantities of 100.....	.79
695-420-X1026:	
Quantities of 3,000.....	.42
695-420-X1025:	
Quantities of 7,000.....	.71
695-420-X1028:	
Quantities of 7,000.....	.76
695-420-X1029:	
Quantities of 35,000.....	.80

(b) This Order No. 34 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 34 (§ 1499.71) shall become effective July 17, 1942. (Pub. Law 421, 77th Cong.)

Issued this 16th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6772; Filed, July 16, 1942;  
11:58 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Supplementary Regulation 14 to General Maximum Price Regulation<sup>2</sup>]

MILK PRICES IN NEW YORK METROPOLITAN AREA

**§ 1499.73 Modification of maximum prices established by section 1499.2 of**

<sup>1</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991.

<sup>2</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276.

<sup>1</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659.

<sup>2</sup> 7 F.R. 3096, 3824, 4294, 4541.



*General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(1) *Fluid milk.* (i) The maximum price per quart for fluid milk as herein defined sold at retail in the New York metropolitan area as herein defined shall be:

	Cents
Glass (bottle) container.....	12
Paper (single-service) container.....	13

or the seller's maximum price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, whichever is higher. The "New York metropolitan area" means the City of New York, the counties of Nassau, Suffolk (except Fisher's Island), and Westchester, all in the State of New York. The word "milk" means cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk.

(b) *Effective dates.* (1) Supplementary Regulation No. 14 (§ 1499.73) shall become effective July 16, 1942. (Pub. Law 421, 77th Cong.)

Issued this 16th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6773; Filed, July 16, 1942;  
12:00 m.]

## TITLE 46—SHIPPING

### Chapter II—Coast Guard: Inspection and Navigation

#### AMENDMENTS TO REGULATIONS AND APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 161, 4405, 4417, 4417a, 4418, 4426, 4428, 4429, 4430, 4431, 4432, 4433, 4438, 4439, 4440, 4441, 4442, 4470, 4482, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 163-167, 54 Stat. 1028 (5 U.S.C. 22, 46 U.S.C. 375, 391, 391a, 392, 404, 406, 407, 408, 409, 410, 411, 224, 226, 228, 229, 214, 463, 475, 481, 489, 367, 526-526t, 463a) and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the inspection and navigation regulations, and approval, withdrawal of approval, and relisting of approval of miscellaneous items of equipment for the better security of life at sea, are prescribed:

Subchapter C—Motorboats and Certain Vessels Propelled by Machinery—Other Than by Steam More Than 65 Feet in Length

#### PART 28—SPECIFICATIONS AND PROCEDURE FOR APPROVAL OF EQUIPMENT

Section 28.4-3 (c) is amended to read as follows:

§ 28.4-3 *Buoyant materials.* \* \* \*

(c) *Kapok.* It shall be prime Japara kapok of the best quality, well teased, and free from seeds or other foreign matter. In testing the buoyancy characteristics, the processed kapok shall be packed to a density of three pounds per cubic foot. After having been sub-

merged in fresh water for forty-eight hours the kapok shall then provide buoyancy in a ratio of not less than fifty-one pounds net weight per cubic foot.

#### Subchapter D—Tank Vessels

#### PART 32—REQUIREMENTS FOR HULLS, MACHINERY AND EQUIPMENT

Section 32.5-4 is amended to read as follows:

§ 32.5-4 *Penalty for overloading safety valves—TB/ALL.* The penalty for overloading of safety valves shall be in accordance with § 64.13 of this chapter.

#### PART 33—LIFESAVING APPLIANCES

Section 33.4-4 is amended by the addition of a new paragraph (c) reading as follows:

§ 33.4-4 *Stowage of the boats and rafts—TB/ALL.* \* \* \*

(c) TB/ALL. Where practicable, lifeboat chocks shall be so fitted that the lifeboats they serve shall not require lifting before launching.

Sections 33.6-1 to 33.6-4, inclusive, are deleted and the following substituted in their stead:

#### Life Preservers

§ 33.6-1 *Number required—TB/ALL.* All tank vessels shall be provided with one approved life preserver for each person carried.

§ 33.6-2 *Distribution and stowage—TB/ALL.* Life preservers shall be distributed throughout the cabins, staterooms, berths, and other places convenient for each person on such tank vessels.

§ 33.6-3 *Shipboard inspections—TB/ALL.* At each annual inspection of any tank vessel, and oftener if deemed necessary, it shall be the duty of the inspectors making the inspection to examine and inspect all life preservers in the equipment of such vessel for compliance with the requirements of §§ 37.6-1 to 37.6-7, inclusive. When any block of compressed cork used in a compressed cork-type life preserver is found to be in a broken or granulated condition, such compressed cork block shall be condemned as unfit for further use. When life preservers are found to be in accordance with the requirements, the inspector shall plainly stamp them with a stamp bearing the word "Passed," his initials, the inspector's port, and date: *Provided,* That at the annual inspection of a vessel, or oftener if necessary, at least 5 per cent of all kapok life preservers, or such greater number as may be deemed necessary or desirable, shall be subjected to a buoyancy test by being entirely submerged for a period of two hours, after which they shall be capable of sustaining in fresh water 16½ pounds net weight for each 20 ounces of kapok. Any such life preserver failing to meet the required test shall be immediately condemned and removed from the vessel's equipment, and a full detailed report of every such failure shall be immediately forwarded to the Supervising Merchant Marine Inspector of the district having jurisdiction.

#### PART 36—LICENSED OFFICERS AND CERTIFICATED MEN

Section 36.1-19 is amended to read as follows:

§ 36.1-19 *Licenses to officers of vessels owned by the United States—T/ALL.* Any person who has served at least one year as master, commander, pilot, or engineer of any steam vessel owned and operated by the United States in any service in which a license as master, mate, pilot, or engineer was not required at the time of such service shall be entitled to license as master, mate, pilot, or engineer, if the inspectors, upon written examination, as required for applicants for original license, may find him qualified: *Provided,* That the operating experience of any such applicant has been such as to qualify him to serve in the capacity for which he makes application to be licensed.

#### PART 37—SPECIFICATIONS FOR LIFESAVING APPLIANCES

Sections 37.6-1 to 37.6-10, inclusive, and §§ 37.7-1 to 37.7-5, inclusive, are deleted and the following substituted in their stead:

#### Life Preservers

§ 37.6-1 *General provisions, approval—TB/ALL.* The standard specifications for block-cork life preservers, balsa-wood block life preservers, and kapok life preservers are set forth in this part in order to enable manufacturers to produce equipment which fully meets the approval requirements by strict adherence to all details of the standard specifications. Manufacturers who desire to manufacture such standard life preservers are not required to submit samples of such equipment for approval, but may commence such manufacture after submitting an affidavit in form as provided in § 37.7-1 and receiving confirmation that their name has been placed on the list of equipment manufacturers under affidavit and the assignment of an official approval number for each type of equipment.

Manufacturers who desire to manufacture life preservers of a character and type in any degree different from the standards contained in this part which equipment is to be sold for use on vessels subject to these regulations, shall submit samples in duplicate and plans and specifications in quadruplicate, in order that they may be considered for approval. Each type of equipment so submitted and approved will receive a separate approval number.

§ 37.6-2 *General characteristics—TB/ALL.* Every life preserver shall conform to the following general requirements:

(a) Construction, materials, and workmanship shall be at least equivalent to that of a standard type.

(b) The buoyancy shall not be dependent upon air compartments or loose granulated material.

(c) Life preservers shall be simple in design, reversible, and capable of being quickly adjusted, supporting the wearer



in the water in an upright or slightly backward position.

§ 37.6-3 *Buoyant materials*—TB/ALL. The buoyant materials in general use are block cork, balsa wood, and kapok which, when used in the construction of life preservers, shall conform to the following requirements:

(a) *Block cork*. The cork shall be of good quality cleaned cork, free from any imperfections affecting its durability, and shall be untreated and weigh not more than 12 pounds per cubic foot. It shall be free from cracks or bark checks greater than one-half the thickness by  $\frac{3}{8}$  inch wide. Where blocks are made of separate pieces, such pieces shall be fastened together with non-corrosive, buoyant materials.

(b) *Balsa wood*. Balsa wood shall be of the genus *Ochroma* thoroughly kiln dried and heat treated to a moisture content not to exceed 5 percent and shall weigh not more than 8 pounds per cubic foot. It shall be sound, free from rot, dote, knots, pith, checks, and other defects.

(c) *Kapok*. It shall be prime Japara kapok of the best quality, well teased, and free from seeds or other foreign matter. In testing the buoyancy characteristics, the processed kapok shall be packed to a density of three pounds per cubic foot. After having been submerged in fresh water for forty-eight hours the kapok shall then provide buoyancy in a ratio of not less than fifty-one pounds net weight per cubic foot.

§ 37.6-4 *Specifications for standard type block-cork life preserver*—TB/ALL.

(a) *Type*. The type shall conform to Figure 1 and shall be reversible and vest-like, with recesses under arms to allow front and back sections to fit around the upper part of the wearer and held in place by straps, the whole to be of such construction and character as to support

the wearer in an upright or slightly backward position. Children's life preservers are to be of the same general form of construction and conform in every respect, as regards material and design, to the standard approved life preserver with the exception that the size is to be reduced one-third.

(b) *Buoyant material*. It shall contain eight blocks of cork of the following approximate dimensions: 4 blocks  $11'' \times 5'' \times 1\frac{1}{8}''$  and 4 blocks  $6'' \times 5'' \times 1\frac{1}{8}''$ . The corners and edges of the blocks shall be slightly rounded or beveled. The weight of the finished cork in each life preserver shall be not less than 4 pounds and not more than 4.5 pounds.

(c) *Buoyancy test*. The life preserver shall be submerged in a tank of fresh water for a period of 48 hours. The adult life preserver shall then support in fresh water a net weight of  $16\frac{1}{2}$  pounds or 11 pounds for children's type.

(d) *Cover*.<sup>1</sup> The cover shall be of unbleached, uncolored drill or twill, without filling or sizing, weighing not less than 7.2 ounces to the square yard. It shall be in not more than two pieces, one piece for either side.

(e) *Marking*. Each life preserver shall be plainly marked on the front compartment with either the word "Adults" or the word "Children" as the case may be. It shall also be plainly stenciled with the name and address of the manufacturer and with the official approval number assigned to the life preserver.

(f) *Smooth surface*. The outside surface, edges, and corners of the buoyant material shall be of such smoothness as will prevent undue destruction of the

covering material and present a suitable smooth surface for legible stenciling and stamping by inspectors.

(g) *Stitching*. All seams and other machine sewing shall be made with a short lock stitch, with not less than eight stitches to the inch. The lower longitudinal edge of the covering seam shall be turned to a roll and closely rope stitched.

(h) *Straps*. The straps shall have a tensile strength of at least 175 pounds and shall be of double-woven cotton tape  $1\frac{1}{4}$  inches in width having selvage or cord edges. One strap on each side secured by double stitching and extending 12 inches beyond the end of the life preserver, and two neck straps 12 inches in length. All straps are to be sewn to the body of the life preserver by double stitching.

(i) *Thread*. The thread shall be of a size and strength not less than Barbour's linen, three cord, No. 25 machine thread. Any thread other than of linen shall require the approval of the Commandant.

§ 37.6-5 *Specifications for standard type balsa-wood life preserver*—TB/ALL—(a) *Type*. This shall be the same as for cork as provided in § 37.6-4 (a).

(b) *Buoyant material*. It shall contain eight blocks of balsa wood of the following approximate dimensions: 4 blocks  $11'' \times 5'' \times 1\frac{1}{8}''$  and 4 blocks  $6'' \times 5'' \times 1\frac{1}{8}''$ . The corners or edges of the blocks shall be slightly rounded or beveled. The weight of the finished balsa wood used in each life preserver shall not be less than  $2\frac{2}{3}$  pounds nor more than 3 pounds.

(c) *Buoyancy test*. This shall be the same as provided in § 37.6-4 (c).

(d) *Cover*.<sup>1</sup> This shall be the same as provided in § 37.6-4 (d).

(e) *Marking*. This shall be the same as provided in § 37.6-4 (e).

(f) *Smooth surface*. This shall be the same as provided in § 37.6-4 (f).

(g) *Stitching*. This shall be the same as provided in § 37.6-4 (g).

(h) *Straps*. This shall be the same as provided in § 37.6-4 (h).

(i) *Thread*. This shall be the same as provided in § 37.6-4 (i).

§ 37.6-6 *Specifications for standard type kapok life preserver*—TB/ALL—(a) *Type*. This type shall be the same as provided in § 37.6-4 (a) except that it shall conform to Figure 2.

(b) *Buoyant materials*. The life preserver shall be filled with not less than 20 ounces of kapok of the kind provided in § 37.6-3 (c).

(c) *Buoyancy test*. This shall be the same as provided in § 37.6-4 (c).

(d) *Cover*.<sup>1</sup> This shall be the same as provided in § 37.6-4 (d).

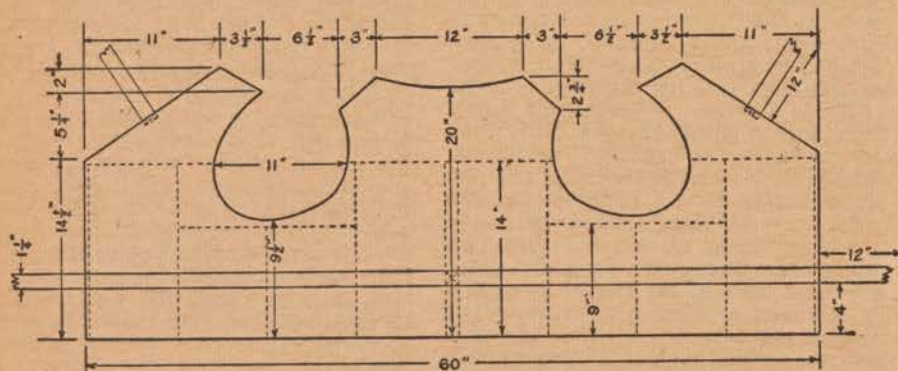


FIGURE 1.—Approximate dimensions of a standard type cork and balsa wood life preserver cutting pattern. Dotted lines indicate stitching.



(e) *Marking.* This shall be the same as provided in § 37.6-4 (e).

(f) *Stitching.* This shall be the same as provided in § 37.6-4 (g).

(g) *Straps.* This shall be the same as provided in § 37.6-4 (h).

(h) *Thread.* This shall be the same as provided in § 37.6-4 (i).

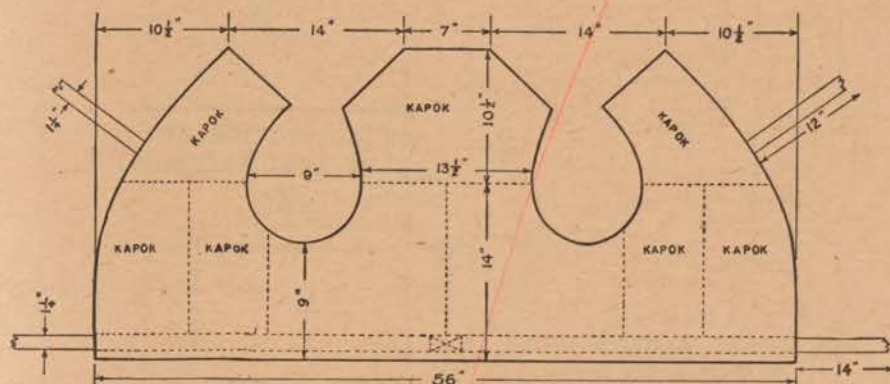


FIGURE 2.—Approximate dimensions of a standard type kapok life preserver cutting pattern. Dotted lines indicate stitching of pockets and drawstring tunnel.

§ 37.6-7 *Factory inspection*—TB/ALL. An inspector shall examine all life preservers at the place of manufacture. After satisfying himself that they have been manufactured according to the requirements of these rules, he shall select indiscriminately from each lot of 250 at least one life preserver to be tested for buoyancy.

Where such life preservers are found to conform to all the requirements of these rules, the inspector shall stamp them with the word "Approved", the initials of his name, the date of examination, and the location of his local office.

§ 37.7-1 *Manufacturer's affidavit—*  
TB/ALL.

AFFIDAVIT OF MANUFACTURER OF STANDARD  
TYPE LIFE PRESERVER.

State of \_\_\_\_\_, County of \_\_\_\_\_  
 \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_  
 \_\_\_\_\_, 19\_\_\_\_, I, the undersigned,  
 \_\_\_\_\_, hereby certify that  
 (Name)

I am the \_\_\_\_\_ of the \_\_\_\_\_  
(Name) (Title)

----- located at  
(Name of company)

-----, that I am authorized  
to make this affidavit; and that the standard  
type ----- life preservers of our  
(See note 1<sup>1</sup>)

manufacture furnished directly or through agents or dealers for use on vessels subject to the jurisdiction of the United States Coast Guard, comply with the applicable provisions of the regulations prescribed.

(Signature) \_\_\_\_\_

Subscribed and \_\_\_\_\_ to before  
(Sworn or Affirmed)

me this ----- day of -----,  
19-----.

(Signature) \_\_\_\_\_

Notary Public.

[SEAL]

---

<sup>1</sup>Indicate adult or child size and name or description of buoyant material.

### Subchapter F—Marine Engineering

## PART 51—MATERIALS

The first sentence of § 51.1-13 (a) is amended to read as follows:

51.1-13 *Stamping plates and specimens.* (a) Plates shall be stamped by the manufacturer, before they are

auxiliary pump for each boiler. In vessels where three or more boilers are installed not more than two boilers are to be served by one of the auxiliary pumps.

(4) Feed check and stop valves and feed-water regulators, where fitted, shall be installed in the feed lines as prescribed in paragraphs (a) and (b).

(5) Feed-water heaters and feed-water regulators, where installed, shall be fitted with bypasses. Feed-water regulator bypasses shall be fitted with stop and check valves or combined stop-check valves or shall be so arranged that the regular stop and check valves are in operation while the bypass is in use.

(6) No auxiliary feed line or connection need be fitted.

§ 52.15-7 (a) is amended to read as follows:

§ 52.15-7 *Blow-off valves.* (a) Boilers shall be fitted with a surface and a bottom blow-off valve or cock attached directly to the boiler or to a distance piece. The surface blow-off valve shall be located within the permissible range of the water level, or fitted with a scum pan or pipe at this level. The bottom blow-off valve shall be attached to the lowest part of the boiler or fitted with an internal pipe leading to the lowest point inside the boiler: *Provided*, That watertube boilers designed for working pressures of 350 pounds per square inch or over are not required to be fitted with a surface blow-off valve.

## PART 54—INSPECTION

Section 54.18-2 (d) is amended by changing the second undesignated paragraph to read as follows:

§ 54.18-2 *Tests and inspection of new boilers.* \* \* \*

(d) \* \* \*

This inscription must not be obliterated during the life of the boiler. In the event that the inscription is to be lagged over or otherwise covered, the data specified shall be transferred to a name plate to be attached to the boiler outside of the covering, or to the uptake, which name plate must be kept clean so that it can be easily read by inspectors at any time.

## PART 55—PIPING SYSTEMS

The headnote of § 55.19-3 is amended to read as follows:

§ 55.19-3 *Detail requirements—Piping systems.* \* \* \*

Section 55.19-3 (d) is amended to read as follows:

(d) Electric-resistance-welded or lap-welded steel or iron pipe without diameter limitation, or furnace butt-welded steel or iron pipe of not over 2 inches nominal pipe size may be used for all purposes where the pressure does not exceed 350 pounds per square inch except where seamless drawn-steel pipe is required. (See paragraph (c))

Section 55.19-3 (n) is amended to read as follows:

(n) All valves having nominal diameters exceeding 2 inches, used for pres-



tures exceeding 125 pounds, shall have flanged ends and bolted bonnets. (For boiler mountings, see § 52.15-2 (b))

Section 55.19-3 (s) is amended to read as follows:

(s) All valves and fittings shall be tested by the manufacturer to a hydrostatic test pressure in accordance with the requirements of tables P-10 and P-11, and shall be legibly marked with the manufacturer's name or registered trademark, and the maximum working pressure in pounds per square inch for which he guarantees the valves in service.

The headnote of § 55.19-10 is amended to read as follows:

§ 55.19-10 Detail requirements—Class I piping.

#### PART 56—FUSION WELDING

Section 56.20-4 is amended as follows:

Delete paragraphs (c), (d), (e), and (f) and insert the following new paragraphs (c), (d), (e), and (f) in their stead.

(c) Test plates for longitudinal seams: For drums having one or more longitudinal seams, at least one set of test plates shall be provided for each drum when welded separately, or for each 50 feet of aggregate longitudinal seams when a number of shells of the same design and grade of material are placed end to end and the longitudinal seams of each are welded continuously. The test plates shall be attached to one end of one longitudinal seam being welded as shown in Figure W-5 (a) so that the weld metal in the test plates is deposited continuously with that in the drum seams. Drums of Grades E, F, or G marine boiler plate, however, shall be welded separately and shall be provided with at least one set of test plates for each drum except for cases covered by paragraph (d).

(d) Test plates for circumferential seams: For drums having circumferential seams but no longitudinal seams, at least one set of test plates welded separately shall be provided for each drum or for each 50 feet of aggregate circumferential seams of drums of the same grade of material being welded in succession whose plate thicknesses fall within a range of  $\frac{1}{4}$  inch and whose diameters vary by not more than 6 inches.

(e) The test plates shall be welded by the same welder or welders employed on the drums. They shall be of the same thickness as the plates being welded and shall be of sufficient size to provide two specimens of each type required except that in the case of drums having no longitudinal seams, the test plates need be long enough to provide only one set of specimens and in the case retests are required, an additional set of plates may be welded separately.

(f) For plates  $\frac{3}{4}$  inch or less in thickness, one reduced section specimen and two free bend specimens shall be tested.

For plates over  $\frac{3}{4}$  inch in thickness one reduced section tensile specimen, one free bend specimen and one guided side bend specimen shall be tested.

Delete Figure W-3 (a) and designate Figure W-3 (b) as Figure W-3.

Delete Figure W-4 and insert the following new Figure W-4 in its stead:

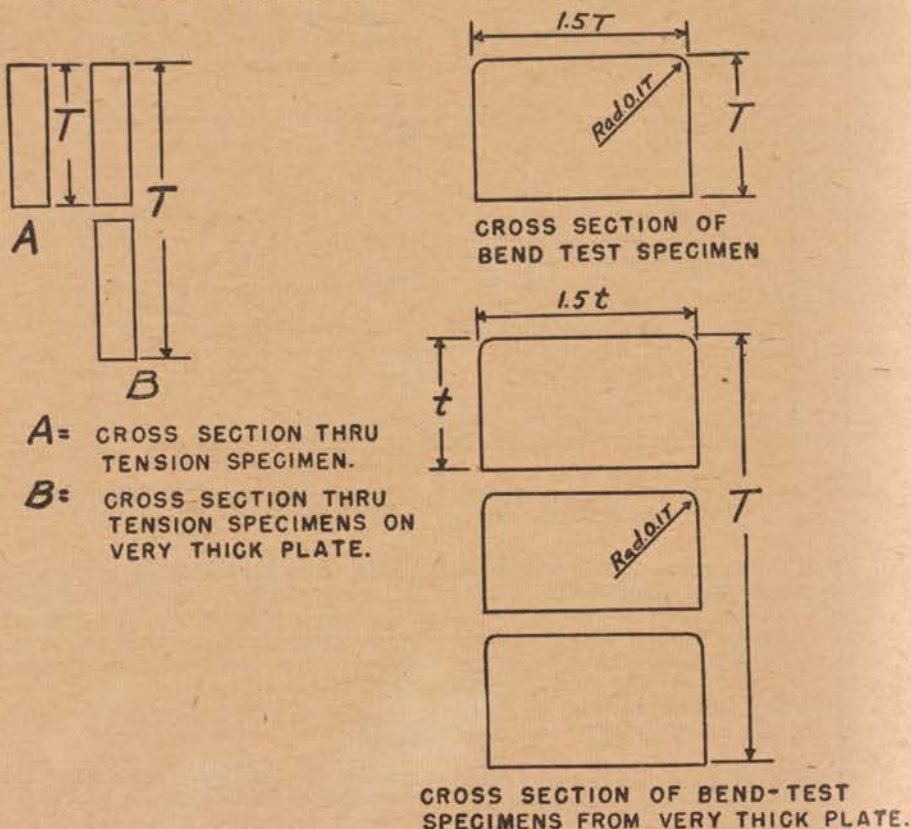
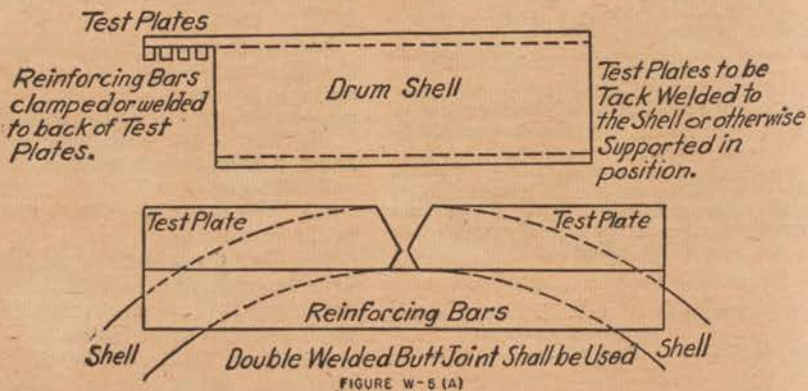


FIGURE W-4

Delete Figures W-5 (a) and W-5 (b) and insert the following new Figures W-5 (a), W-5 (b), and W-5 (c) in their stead:





DISCARD		THIS PIECE
FREE BEND		SPECIMEN
REDUCED SECTION		TENSION TEST SPECIMEN
FREE BEND		SPECIMEN
FREE BEND		SPECIMEN
REDUCED SECTION		TENSION TEST SPECIMEN
FREE BEND		SPECIMEN
DISCARD		THIS PIECE

TEST PLATES FOR MATERIAL 3/4 INCH OR LESS IN THICKNESS  
FIGURE W-5 (B)

DISCARD		THIS PIECE
GUIDED SIDE BEND		SPECIMEN
REDUCED SECTION		TENSION TEST SPECIMEN
FREE BEND		SPECIMEN
GUIDED SIDE BEND		SPECIMEN
REDUCED SECTION		TENSION TEST SPECIMEN
FREE BEND		SPECIMEN
DISCARD		THIS PIECE

TEST PLATES FOR MATERIAL OVER 3/4 INCH IN THICKNESS  
FIGURE W-5 (C)

Delete paragraph (j) and insert the following new paragraph (j) in its stead:

(j) The bend specimens shall be taken from opposite sides of the reduced section tensile specimen in their respective test plates as shown in Figures W-5 (b) and W-5 (c).

Delete paragraphs (n) to (u), inclusive, and insert the following new paragraphs (n) to (q), inclusive, in their stead.

(n) The tension test specimen shall be transverse to the welded joint and shall be the full thickness of the plate after the weld reinforcement has been machined flush. The form and dimensions shall be as shown in Figure W-2 (b). When the capacity of the available testing machine does not permit testing a specimen of the full thickness

of the plate, the specimen may be cut with a thin saw into as many portions of the thickness as is necessary, as shown in Figure W-4, each of which shall meet the requirements. The tensile strength shall not be less than the minimum of the specified tensile range of the plate used.

(o) The free bend specimens shall be of the form and dimensions shown in Figure W-3. For plates of 3/4 inch or less in thickness one of the specimens shall be bent with the face of the weld in tension and the other with the root of the weld in tension. The free bend specimen for plates over 3/4 inch in thickness shall be bent with the face of the weld in tension. Each free bend specimen shall be bent cold under free-bending conditions until the elongation measured within or across approximately the entire weld on the outer surface of the bend

is at least 30 per cent. When the capacity of the available testing machine will not permit testing a full thickness specimen, the specimen may be cut with a thin saw into as many portions of the thickness as necessary, as shown in Figure W-4, provided each such piece retains the proportion of 1 1/2 to 1 width to thickness, each of which shall meet the requirements. Cracks at the corners of the specimens or small defects in the convex surface, the greatest dimensions of which do not exceed 1/16 inch need not be considered as failures.

(p) The guided bend specimen shall be bent with the side of the weld in tension. Its width shall be equal to the full thickness of the plate and its thickness, after machining, shall be 0.350 inch to 0.380 inch to permit bending in a jig having the contour of the standard jig shown in Figure W-1F. The specimen shall withstand being bent cold to the full capacity of the jig without developing any crack exceeding 1/8 inch in any direction. Where the plate thickness exceeds 2 inches, the specimen shall be cut in two so that each portion does not exceed 2 inches in width. Each such portion shall be tested and shall meet the requirements.

(q) One retest shall be made for each of the original specimens which fails to meet the requirements. Should the retests fail to meet the requirements, the welds which they represent must be shipped out, rewelded and new test plates provided. This will apply to each shell in cases where a number of shells of the same design and grade of material are placed end to end and the longitudinal seams are welded continuously.

Section 56.20-6 is amended by deleting paragraphs (c) and (d) and inserting the following new paragraphs (c) and (d) in their stead:

§ 56.20-6 Class II. \* \* \*

(c) For Class II pressure vessels test plates shall be provided as required for Class I pressure vessels except that when there are several vessels of the same grade of material being welded in succession whose plate thicknesses fall within a range of 1/4 inch and whose diameters vary by not more than 6 inches, no more than one set of test plates need be provided for each 300 lineal feet of either or both longitudinal and girth joints.

(d) For Class II pressure vessels, the minimum elongation for free bend specimens shall be 20 per cent.

Section 56.20-7 is amended to read as follows:

§ 56.20-7 Class III. (a) This class includes unfired pressure vessels containing steam or air in which the pressure does not exceed 30 pounds per square inch and pressure vessels containing liquids in which the pressure does not exceed 200 pounds per square inch and/or the temperature does not exceed 250° F. The plate thickness for vessels of this class shall not exceed 3/4 inch. Class III pressure vessels shall not be used for the storage of lethal or noxious gases or lethal or noxious liquids.



(b) The type of joints shall be as required by §§ 56.20-10 (b) and (d).

(c) The maximum allowable working pressure of vessels of this class shall be computed by Formula (1) of § 52.2-3 (b) using an efficiency, *E*, of 0.65 for joints of the double welded butt type where the plate thickness is not less than  $\frac{1}{4}$  inch, and 0.55 for joints of the single welded butt or welded lap types.

(d) Lap joints as provided for in § 56.20-10 (b) shall not be used in the construction of vessels for the storage of gases of any kind at pressures in excess of 100 pounds per square inch nor for the storage of any liquid at a temperature exceeding its boiling point at atmospheric pressure.

(e) Test plates are not required for Class III welded pressure vessels.

Section 56.20-10 (b) is amended to read as follows:

§ 56.20-10 *Joints.* \* \* \*

(b) The longitudinal joints of Class III vessels may be of the double-welded butt type for thicknesses of  $\frac{3}{4}$  inch or less, or of the double-welded lap type for thicknesses of  $\frac{3}{8}$  inch or less, or of the single-welded butt type for thicknesses of  $\frac{1}{4}$  inch or less. If of the lap type the throat dimension of each of the welds shall be not less than  $\frac{3}{8}$  *T*, where *T* represents the thickness of the plate. Both edges of the lap shall be welded and the surface overlap shall not be less than 4*T*.

PART 57—SUPPLEMENTARY DATA AND REQUIREMENTS

Section 57.21-6 (c) is amended to read as follows:

§ 57.21-6 *Stayed furnaces and combustion chambers.* \* \* \*

(c) Where it is desired to apply a riveted patch to the wall of stayed furnace or combustion chamber, the defective portion of the plate shall be cut away until solid material is reached, the patch shall be riveted to the water side, and the staybolts renewed, the same to extend through the new plate.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.15 (e) is amended to read as follows:

§ 59.15 *Construction of metallic lifeboats of class 1A.* \* \* \*

(e) *Scope.* These specifications apply only to the application of fusion welding to lifeboats, life rafts and similar vessels subject to pressures not to exceed 15 pounds per square inch.

Section 59.15 (h) is amended to read as follows:

(h) *Design of joints.* The following joints are acceptable: Butt joints or lapped joints, fillet welded at both edges.

Section 59.15 (k) is amended to read as follows:

(k) *Inspection and tests.* Inspectors shall have access to lifeboats, life rafts, etc., under construction in order to ascertain whether the material and tech-

nique is such as to insure dependable workmanship. Two tension and two bend test specimens of welding shall be taken from the first lifeboat or life raft constructed by fusion welding in any one order; thereafter two tension and two bend test specimens of welding shall be taken from one boat in each lot of twenty-five lifeboats and from one raft in each lot of twenty-five rafts in the same order. The tension test specimens shall be made with a reduced section having a gage length of 4 inches. The edges of the bend test specimens may be parallel. Both tension and bend test specimens shall be made with the weld in the center. The reinforcement shall be ground off, and the tension test specimen shall show under test a tensile strength at least equal to that of the base metal. The bend test shall be made in a vise with the face of the weld in tension and must withstand being bent to a radius of twice its thickness without showing cracks or flaws. The inspector making the tests shall satisfy himself that the workmanship is such that the boat or raft so constructed is at least equal in strength and dependability to an approved metallic lifeboat or raft of riveted construction.

Section 59.55 is amended to read as follows:

§ 59.55 *Life preservers.*—(a) *Number required.* All vessels shall be provided with one approved life preserver for each person carried. Passenger vessels shall be provided with an additional number suitable for children equal to at least 10 per cent of the total number of persons carried.

(b) *Distribution, stowage, and notices.* (1) Life preservers, including those especially provided for children, shall be properly distributed throughout the staterooms, berthings, and other places convenient for passengers and crew.

(2) Lockers, boxes, and closets in which life preservers are stowed shall be plainly marked, and the life preservers contained therein shall be readily available.

(3) Life preservers stowed overhead shall be so supported that they can be quickly released and distributed among passengers. Where life preservers are stowed overhead at a height greater than 7 feet from the deck below, efficient means shall be provided for their immediate release and distribution, to be operated by persons standing on the deck.

(4) A printed notice shall be posted in every cabin and stateroom and in conspicuous places about the deck, informing passengers of the location of the life preservers and describing and illustrating the method of applying or adjusting them.

(c) *General provisions, approval.* The standard specifications for block-cork life preservers, balsa-wood block life preservers, and kapok life preservers, are set forth in this section in order to enable manufacturers to produce equipment which fully meets the approval requirements by strict adherence to all details of the standard specifications. Manufacturers who desire to manufacture such standard life preservers are not required

to submit samples of such equipment for approval, but may commence such manufacture after submitting an affidavit in form as provided in § 59.55 (k) and receiving confirmation that their name has been placed on the list of equipment manufacturers under affidavit and the assignment of an official approval number for each type of equipment.

Manufacturers who desire to manufacture life preservers of a character and type in any degree different from the standards contained in this section, which equipment is to be sold for use on vessels subject to these regulations, shall submit samples in duplicate, and plans and specifications in quadruplicate, in order that they may be considered for approval. Each type of equipment so submitted and approved will receive a separate approval number.

(d) *General characteristics.* Every life preserver shall conform to the following general requirements:

(1) Construction, materials, and workmanship shall be at least equivalent to that of a standard type.

(2) The buoyancy shall not be dependent upon air compartments or loose granulated material.

(3) Life preservers shall be simple in design, reversible, and capable of being quickly adjusted, supporting the wearer in the water in an upright or slightly backward position.

(e) *Buoyant materials.* The buoyant materials in general use are block cork, balsa wood, and kapok, which, when used in the construction of life preservers shall conform to the following requirements:

(1) *Block cork.* The cork shall be of good quality cleaned cork, free from any imperfections affecting its durability, and shall be untreated and weigh not more than 12 pounds per cubic foot. It shall be free from cracks or bark checks greater than one-half the thickness by  $\frac{3}{8}$  inch wide. Where blocks are made of separate pieces, such pieces shall be fastened together with noncorrosive, buoyant materials.

(2) *Balsa wood.* Balsa wood shall be of the genus *Ochroma* thoroughly kiln dried and heat treated to a moisture content not to exceed 5 per cent and shall weigh not more than 8 pounds per cubic foot. It shall be sound, free from rot, dote, knots, pith, checks, and other defects.

(3) *Kapok.* It shall be prime Japara kapok of the best quality, well teased, and free from seeds or other foreign matter. In testing the buoyancy characteristics, the processed kapok shall be packed to a density of three pounds per cubic foot. After having been submerged in fresh water for forty-eight hours the kapok shall then provide buoyancy in a ratio of not less than fifty-one pounds net weight per cubic foot.

(f) *Specifications for standard type block-cork life preserver.*—(1) *Type.* The type shall conform to Figure 1, and shall be reversible and vestlike, with recessed under arms to allow front and back sections to fit around the upper part of the wearer and held in place by straps, the whole to be of such construc-



tion and character as to support the wearer in an upright or slightly backward position. Children's life preservers are to be of the same general form and construction and conform in every respect, as regards material and design, to the standard approved adult life preserver with the exception that the size is to be reduced one-third.

NOTE: Diagram of Figure 1 appears at 46 CFR: 37.6-4.

(2) *Buoyant material.* It shall contain eight blocks of cork of the following approximate dimensions: 4 blocks 11" x 5" x 1 1/8" and 4 blocks 6" x 5" x 1 1/8". The corners and edges of the blocks shall be slightly rounded or beveled. The weight of the finished cork in each life preserver shall be not less than 4 pounds and not more than 4.5 pounds.

(3) *Buoyancy test.* The life preserver shall be submerged in a tank of fresh water for a period of 48 hours. The adult life preserver shall then support in fresh water a net weight of 16 1/2 pounds or 11 pounds for children's type.

(4) *Cover.*<sup>1</sup> The cover shall be of unbleached, uncolored drill or twill, without filling or sizing, weighing not less than 7.2 ounces to the square yard. It shall be in not more than two pieces, one piece for either side.

(5) *Marking.* Each life preserver shall be plainly marked on the front compartment with either the word "Adults" or the word "Children" as the case may be. It shall also be plainly stenciled with the name and address of the manufacturer and with the official approval number assigned to the life preserver.

(6) *Smooth surface.* The outside surface, edges, and corners of the buoyant material shall be of such smoothness as will prevent undue destruction of the covering material and present a suitable smooth surface for legible stenciling and stamping by inspectors.

(7) *Stitching.* All seams and other machine sewing shall be made with a short lock stitch, with not less than eight stitches to the inch. The lower longitudinal edge of the covering seam shall be turned to a roll and closely rope stitched.

(8) *Straps.* The straps shall have a tensile strength of at least 175 pounds and shall be of double-woven cotton tape 1 1/4 inches in width having selvage or cord edges. One strap on each side secured by double stitching and extending 12 inches beyond the end of the life preserver, and two neck straps 12 inches in length. All straps are to be sewn to the body of the life preserver by double stitching.

(9) *Thread.* The thread shall be of a size and strength not less than Barbour's linen, three-cord, No. 25 machine thread. Any thread other than of linen shall require the approval of the Commandant.

(g) *Specifications for standard type balsa-wood life preserver—(1) Type.* This shall be the same as for cork as provided in § 59.55 (f) (1).

(2) *Buoyant material.* It shall contain eight blocks of balsa wood of the

following approximate dimensions: 4 blocks 11" x 5" x 1 1/8" and 4 blocks 6" x 5" x 1 1/8". The corners or edges of the blocks shall be slightly rounded or beveled. The weight of the finished balsa wood used in each life preserver shall not be less than 2 1/2 pounds nor more than 3 pounds.

(3) *Buoyancy test.* This shall be the same as provided in § 59.55 (f) (3).

(4) *Cover.*<sup>1</sup> This shall be the same as provided in § 59.55 (f) (4).

(5) *Marking.* This shall be the same as provided in § 59.55 (f) (5).

(6) *Smooth surface.* This shall be the same as provided in § 59.55 (f) (6).

(7) *Stitching.* This shall be the same as provided in § 59.55 (f) (7).

(8) *Straps.* This shall be the same as provided in § 59.55 (f) (8).

(9) *Thread.* This shall be the same as provided in § 59.55 (f) (9).

(h) *Specifications for standard type kapok preserver. (1) Type.* This type shall be the same as provided in § 59.55 (f) (1) except that it shall conform to Figure 2.

(2) *Buoyant materials.* The life preserver shall be filled with not less than 20 ounces of kapok of the kind provided in § 59.55 (e) (3).

(3) *Buoyancy test.* This shall be the same as provided in § 59.55 (f) (3).

(4) *Cover.*<sup>1</sup> This shall be the same as provided in § 59.55 (f) (4).

(5) *Marking.* This shall be the same as provided in § 59.55 (f) (5).

(6) *Stitching.* This shall be the same as provided in § 59.55 (f) (7).

(7) *Straps.* This shall be the same as provided in § 59.55 (f) (8).

(8) *Thread.* This shall be the same as provided in § 59.55 (f) (9).

NOTE: Diagram for Figure 2 appears at 46 CFR 37.6-6 (h).

(i) *Factory inspection.* An inspector shall examine all life preservers at the place of manufacture. After satisfying himself that they have been manufactured according to the requirements of these rules, he shall select indiscriminately from each lot of 250 at least one life preserver to be tested for buoyancy.

Where such life preservers are found to conform to all the requirements of these rules, the inspector shall stamp them with the word "Approved", the initials of his name, the date of examination, and location of his local office.

(j) *Shipboard inspections.* At each annual inspection of any vessel, and oftener if deemed necessary, it shall be the duty of the inspectors making the inspection to examine and inspect all life preservers in the equipment of such vessel for compliance with the requirements of this section. When any block of compressed cork used in a compressed cork-type life preserver is found to be in a broken or granulated condition, such compressed cork block shall be condemned as unfit for further use. When life preservers are found to be in accordance with the requirements, the inspector shall plainly stamp them with a stamp bearing the word "Passed," his initials, the inspector's port, and date: *Provided*, That at the annual inspection of a vessel,

or oftener if necessary, at least 5 percent of all kapok life preservers, or such greater number as may be deemed necessary or desirable, shall be subjected to a buoyancy test by being entirely submerged for a period of two hours, after which they shall be capable of sustaining in fresh water 16 1/2 pounds net weight for each 20 ounces of kapok. Any such life preserver failing to meet the required test shall be immediately condemned and removed from the vessel's equipment, and a full detailed report of every such failure shall be immediately forwarded to the Supervising Merchant Marine Inspector of the district having jurisdiction.

(k) *Manufacturer's affidavit.*

#### AFFIDAVIT OF MANUFACTURER OF STANDARD TYPE LIFE PRESERVERS

State of \_\_\_\_\_, County of \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, I, the undersigned, \_\_\_\_\_ hereby certify that

(Name)  
I am the \_\_\_\_\_ of the \_\_\_\_\_ (Title)

located at \_\_\_\_\_ (Name of company)

that I am authorized to make this affidavit; and that the standard type \_\_\_\_\_ life preservers of our \_\_\_\_\_ (See Note 1)

manufacture furnished directly or through agents or dealers for use on vessels subject to the jurisdiction of the United States Coast Guard, comply with the applicable provisions of the regulations prescribed.

(Signature) \_\_\_\_\_

Subscribed and \_\_\_\_\_ to before \_\_\_\_\_ (Sworn or Affirmed)

me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signature) \_\_\_\_\_ Notary Public.

[SEAL]

#### PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Section 60.12 (e) is amended to read as follows:

§ 60.12 *Construction of metallic life-boats of class 1A.* \* \* \*

(e) *Scope.* (See § 59.15 (e) of this chapter, which is identical with this paragraph.)

Section 60.12 (h) is amended to read as follows:

(h) *Design of joints.* (See § 59.15 (h) of this chapter, which is identical with this paragraph.)

Section 60.12 (k) is amended to read as follows:

(k) *Inspection and tests.* (See § 59.15 (k) of this chapter, which is identical with this paragraph.)

Section 60.48 is amended to read as follows:

§ 60.48 *Life preservers.* (See § 59.55 of this chapter, which is identical with this section.)

#### PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

Section 62.15 is amended to read as follows:

<sup>1</sup> Indicate adult or child size and name or description of buoyant material.

<sup>1</sup> See note 1, page 5488.



§ 62.15 *Licenses to officers of vessels owned by the United States.* Any person who has served at least one year as master, commander, pilot, or engineer of any steam vessel owned and operated by the United States in any service in which a license as master, mate, pilot, or engineer was not required at the time of such service shall be entitled to license as master, mate, pilot, or engineer, if the inspectors, upon written examination, as required for applicants for original license, may find him qualified: *Provided*, That the operating experience of any such applicant has been such as to qualify him to serve in the capacity for which he makes application to be licensed.

Section 62.18 (f) is amended to read as follows:

§ 62.18 *Station bills, drills, and reports of masters.* \* \* \*

(f) *Penalty.* For any neglect or omission on the part of the officer in command of such vessels to strictly enforce the provisions of this section, he may be proceeded against in accordance with the provisions of section 4450, R.S., as amended, looking to a suspension or revocation of his license.

Subchapter H—Great Lakes: General Rules and Regulations

#### PART 76—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 76.18 (e) is amended to read as follows:

§ 76.18 *Construction of metallic lifeboats of class 1A.* \* \* \*

(e) *Scope.* (See § 59.15 (e) of this chapter, which is identical with this paragraph.)

Section 76.18 (h) is amended to read as follows:

(h) *Design of joints.* (See § 59.15 (h) of this chapter, which is identical with this paragraph.)

Section 76.18 (k) is amended to read as follows:

(k) *Inspection and tests.* (See § 59.15 (k) of this chapter, which is identical with this paragraph.)

The first undesignated paragraph of § 76.50 is amended to read as follows:

§ 76.50 *Certificated lifeboatmen; manning of boats.* There shall be for each boat or life raft a number of lifeboatmen at least equal to that specified in the following table:

If the prescribed complement is—	The minimum number of certificated lifeboatmen shall be—
Less than 26 persons.....	1
From 26 to 40 persons.....	2
From 41 to 61 persons.....	3
From 62 to 85 persons.....	4
Above 85 persons.....	5

The first undesignated paragraph of § 76.51 is amended to read as follows:

§ 76.51 *Manning of the boats.* A licensed officer or able seaman shall be placed in charge of each boat or pontoon raft; he shall have a list of its lifeboatmen, and other members of its crew

which shall be sufficient for her safe management, and shall see that the men placed under his orders are acquainted with their several duties and stations: *Provided*, That if the raft carries 15 persons or less a licensed officer or able seaman need not be placed in charge of such raft: *Provided, further*, That one-half the number of rafts carried shall have a capacity of exceeding 15 persons.

Section 76.52 is amended to read as follows:

§ 76.52 *Life preservers.* (See § 59.55 of this chapter, which is identical with this section.)

#### PART 77—FIRE APPARATUS; FIRE PREVENTION

Section 77.12 is amended by deleting the last two paragraphs thereof and by changing the headnote to read as follows:

§ 77.12 *Connecting pipe composition.* \* \* \*

Section 77.12a *Pumps on motor vessels,* reading as follows, is added to Part 77:

§ 77.12a *Pumps on motor vessels.* Motor vessels of 50 gross tons and over, carrying passengers for hire, shall be equipped with pumps for throwing water according to the tonnage as prescribed in § 77.5, for steam vessels, and equipped as prescribed in §§ 77.5 to 77.7, inclusive, of this part.

Section 77.21a, reading as follows, is added to Part 77:

§ 77.21a *Fire-resisting bulkheads.* (See § 61.22 of this chapter, which is identical with this section.)

#### PART 78—LICENSED OFFICERS AND CERTIFICATED MEN

Section 78.15 is amended to read as follows:

§ 78.15 *Licenses to officers of vessels owned by the United States.* (See § 62.15 of this chapter, which is identical with this section.)

Section 78.18 *Station bills, drills, and reports of masters,* paragraph (d) *Drills, tests, and inspections,* is amended by changing the word "secured" in the second sentence of the second paragraph thereof to "tended."

Section 78.18 (f) is amended to read as follows:

§ 78.18 *Station bills, drills, and reports of masters.* \* \* \*

(f) *Penalty.* (See § 62.18 (f) of this chapter, which is identical with this paragraph.)

#### PART 79—INSPECTION OF VESSELS

Section 79.10 *Bulkheads,* is deleted.

#### PART 83—DUTIES OF INSPECTORS

Section 83.9 is amended by deleting the last paragraph thereof and by changing the headnote to read as follows:

§ 83.9 *Testing of boilers and hose.* \* \* \*

Part 83 is amended by the addition of a new § 83.9a which reads as follows:

§ 83.9a *Deep-sea sounding apparatus or shallow-water alarm.* It shall be the duty of the local inspectors to require all passenger or freight steam vessels of 1,500 gross tons and upward, navigating the Great Lakes, except paddle-wheel steam vessels, to be equipped with an efficient mechanical deep-sea sounding apparatus, or an efficient shallow-water alarm, in addition to the ordinary deep-sea hand lead. The mechanical deep-sea sounding apparatus or efficient shallow-water alarm above required shall be installed, kept in working order, and ready for immediate use.

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

#### PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

The first undesignated paragraph of § 94.50 is amended to read as follows:

§ 94.50 *Certificated lifeboatmen; manning of the boats.* (See § 76.50 of this chapter, which is identical with this section.)

The first undesignated paragraph of § 94.51 is amended to read as follows:

§ 94.51 *Manning of the boats.* (See § 76.51 of this chapter, which is identical with this section.)

Section 94.52 is amended to read as follows:

§ 94.52 *Life preservers.* (See § 59.55 of this chapter, which is identical with this section.)

#### PART 95—FIRE APPARATUS; FIRE PREVENTION

Section 95.12 is amended by deleting the last two paragraphs thereof and by changing the headnote to read as follows:

§ 95.12 *Connecting pipe composition.* \* \* \*

Section 95.12a, reading as follows, is added to Part 95:

§ 95.12a *Pumps on motor vessels.* Motor vessels of 50 gross tons and over, carrying passengers for hire, shall be equipped with pumps for throwing water according to tonnage as prescribed in § 95.5, for steam vessels, and equipped as prescribed in §§ 95.5 to 95.7, inclusive, of this part.

Section 95.14a, reading as follows, is added to Part 95:

§ 95.14a *Water sprinkling systems.* (See § 61.15 of this chapter, which is identical with this section.)

Section 95.21a, reading as follows, is added to Part 95:

§ 95.21a *Fire-resisting bulkheads.* (See § 61.22 of this chapter, which is identical with this section.)

#### PART 96—LICENSED OFFICERS AND CERTIFICATED MEN

Section 96.15 is amended to read as follows:

§ 96.15 *Licenses to officers of vessels owned by the United States.* (See § 62.15 of this chapter, which is identical with this section.)



Section 96.18 *Station bills, drills, and reports of masters*, paragraph (d) *Drills, tests, and inspection*, is amended by changing the word "secured" in the second sentence of the second paragraph thereof to "tended."

Section 96.18 (f) is amended to read as follows:

§ 96.18 *Station bills, drills, and reports of masters.* \* \* \*

(f) *Penalty.* (See § 62.18 (f) of this chapter, which is identical with this paragraph.)

#### PART 97—INSPECTION OF VESSELS

Section 97.9 *Bulkheads* is deleted.

Section 97.10 *Water sprinkling system* is deleted.

#### Subchapter J—Rivers: General Rules and Regulations

#### PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 113.44 is amended to read as follows:

§ 113.44 *Life preservers.* (See § 59.55 of this chapter, which is identical with this section.)

Section 113.45 is amended by the addition of a new third undesignated paragraph, reading as follows:

§ 113.45 *Wooden life floats.* \* \* \*

At each annual inspection of any vessel, and oftener if deemed necessary, it shall be the duty of the inspectors making the inspection to examine and inspect all wooden life floats in the equipment of such vessel for compliance with the requirements of this section. When found to be in accordance with the requirements, the inspector shall plainly stamp such wooden life floats with a stamp bearing the word "Passed," his initials, the inspector's port, and date.

#### PART 114—FIRE APPARATUS; FIRE PREVENTION

Section 114.14 is amended by deleting the last two paragraphs thereof and by changing the headnote of the section to read as follows:

§ 114.14 *Connecting pipe composition.* \* \* \*

Section 114.14a, reading as follows, is added to Part 114:

§ 114.14a *Pumps on motor vessels.* Motor vessels of 50 gross tons and over, carrying passengers for hire, shall be equipped with pumps for throwing water according to the tonnage as prescribed in § 114.7, for steam vessels, and equipped as prescribed in §§ 114.7 to 114.9, inclusive, of this part.

Section 114.15a, reading as follows, is added to Part 114:

§ 114.15a *Water-sprinkling systems.* (See § 61.15 of this chapter, which is identical with this section.)

Section 114.22a, reading as follows, is added to Part 114:

§ 114.22a *Fire-resisting bulkheads.* All passenger vessels shall be fitted above the

bulkhead deck with fire-resisting bulkheads which shall be continuous from side to side of the vessel and arranged to the satisfaction of the Coast Guard. For additional requirements see part 144—Construction or Material Alteration of Passenger Vessels of the United States of 100 Gross Tons and Over Propelled by Machinery, of this chapter.

#### PART 115—LICENSED OFFICERS

Section 115.15 is amended to read as follows:

§ 115.15 *Licenses to officers of vessels owned by the United States.* (See § 62.15 of this chapter, which is identical with this section.)

Section 115.18 *Station bills, drills, and reports of masters*, paragraph (d) *Drills, tests, and inspection*, is amended by changing the word "secured" in the second sentence of the second paragraph thereof to "tended."

Section 115.18 (f) is amended to read as follows:

§ 115.18 *Station bills, drills, and reports of masters.* \* \* \*

(f) *Penalty.* (See § 62.18 (f) of this chapter, which is identical with this paragraph.)

#### PART 116—INSPECTION OF VESSELS

Section 116.14 *Bulkheads* is deleted.

Section 116.15 *Water sprinkling systems* is deleted.

#### Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

#### PART 155—LICENSED OFFICERS AND CERTIFICATED MEN; REGULATIONS DURING EMERGENCY

Section 155.28 *Chief engineer of motor vessels* is amended by deleting the word "motor" in the last column of the table and inserting in lieu thereof, the word "steam."

Section 155.30 *Second assistant engineer of motor vessels* is amended by deleting the word "motor" in the last column of the table and inserting in lieu thereof, the word "steam."

Section 155.35, reading as follows, is added to Subchapter O, Part 155:

§ 155.35 *Licenses to officers of vessels owned by the United States.* The following provision is, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.1-19, 62.15, 78.15, 96.15, and 115.15 of this chapter:

(a) Any person who has served at least six months as master, commander, pilot, or engineer of any steam vessel owned and operated by the United States in any service in which a license as master, mate, pilot, or engineer was not required at the time of such service, shall be entitled to license as master, mate, pilot, or engineer, if the inspectors, upon written examination, as required for applicants for original license, may find him qualified: *Provided*, That the operating experience of any such applicant has been such as to qualify him to serve in the capacity for which he makes application to be licensed.

#### MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

##### *Safety Valves*

Type 34—SO bronze safety valves, 1½", 2", and 2½" sizes (Maximum working pressure of 300 pounds per square inch and maximum temperature of 450° F.) (Dwg. No. 325, dated 26 February 1941), manufactured by Texsteam Corporation, Houston, Texas.

##### *Low-Pressure Heating Boiler*

Agitair Hot Water Generator (Maximum working pressure of 30 pounds per square inch) (Dwgs. WH 100 and WH 103 A), manufactured by Air Devices, Inc., New York, N. Y.

##### *Life Preservers*

Adult Seaway kapok work jacket (Dwg. No. S-A-K-J-10, dated 15 March 1942), Approval No. B-151, manufactured by Seaway Manufacturing Company, Inc., New Orleans, La.

Adult kapok life preservers: No. 17M with 20 ounces of kapok, Approval No. B-152; No. 17M with 24 ounces of kapok, Approval No. B-153; No. 5T with 20 ounces of kapok, Approval No. B-154; and No. 5T with 24 ounces of kapok, Approval No. B-155; (Dwgs. dated 20 April 1942), manufactured by Cluff Fabric Products, Inc., New York, N. Y.

Adult kapok life preserver, Type MC, Approval No. B-156, manufactured by Grand Novelty Company, New York, N. Y.

##### *Thread for Life Preservers*

Kingston 10/3, grey, glazed finish cotton thread, manufactured by the American Thread Company, New York, N. Y.

##### *Lifesaving Suits*

Goodall Styles CF and RC "Overboard" suits, submitted by the Goodall Rubber Company, Inc., Philadelphia, Pa. (In conjunction with life preservers bearing approval numbers B-97, B-152, B-153, B-154, B-155, or B-156)

Universal Lifesaving Suit, submitted by Alexander Sandler, Los Angeles, Calif. (In conjunction with life preservers bearing approval numbers B-97, B-152, B-153, B-154, B-155, or B-156)

##### *Life Preserver Lights*

Delta life preserver light, Type A-2050 (Dwg. dated 23 May 1942), manufactured by Delta Electric Company, Marion, Indiana.

Taunton life preserver light, Type M.S.L. 1263 (Dwg. M.S.L. 1263, dated 15 May 1942), manufactured by Taunton Pearl Works, Taunton, Mass.

Life preserver light, Model A (Dwg. No. 302-B-1, rev. 10 June 1942), manufactured by Colvin-Slocum Boats, Inc., New York, N. Y.

Model NR life preserver light 3450 (Dwg. dated 16 June 1942, rev. 10 June 1942), manufactured by Fulton Manufacturing Corporation, Wauseon, Ohio.

##### *Emergency Light*

Portable emergency light (Navy Dept. Bureau of Ships Dwg. No. 9-S-5311-L, Alt. 1—Hand Lantern, Type J-1S), man-



ufactured by Delta Electric Company, Marion, Indiana.

#### Flashlights for Lifeboat Use

Type F-90 Safety Flashlight, manufactured by Stewart R. Browne Mfg. Co., New York, N. Y.

Bright Star Flashlight No. 723M, manufactured by Bright Star Battery Co., Clifton, N. J.

#### Life Floats

Rectangular, hollow, balsa wood life floats, manufactured by Winner Manufacturing Co., Inc., Trenton, N. J. (Dwg. No. BF-10, dated 30 March 1942), approved in the following sizes:

Capacity in persons	Over-all length	Over-all width	Thickness of body	Reserve buoyancy
	' "	' "	Inches	Pounds
10	7 0	3 6	9	400
10	7 1	3 2	9	400
15	7 6	4 0	10	600
25	9 0	5 0	11	900

#### Water Spray Nozzle

1½" Rockwood Waterfog Nozzle, No. N-21, manufactured by the Rockwood Sprinkler Corp., Worcester, Mass.

#### Corrections in Listings

The approval listings of the following lifesaving suits which were published 3 April 1942 (7 F.R. 2581) are corrected to read as follows:

#### Lifesaving Suits

Morner lifesaving suit, submitted by The Watertight Slide Fastener Corporation, New York, N. Y. (In conjunction with life preservers bearing approval numbers B-97, B-152, B-153, B-154, B-155, or B-156)

Vaco lifesaving suit, submitted by Vaco, Inc., New York, N. Y. (In conjunction with life preservers bearing approval numbers B-97, B-152, B-153, B-154, B-155, or B-156)

#### Approval Withdrawn

Approval is withdrawn from the following items of equipment:

#### Life Preserver Light

Withdrawal of approval of snap on or pocket water actuated light for attaching to life preservers, manufactured by Triumph Explosives, Inc., Elkton, Maryland. (Original approval listed 4 March 1942, 7 F.R. 1701)

#### Signal Pistol and Parachute Flares

Withdrawal of approval of signal pistol, submitted by Sculler Safety Corporation, New York, N. Y., handle marked "Federal Laboratories, Inc., Pittsburgh, Pa., No. 1"; and parachute flare cartridges. (Original approvals listed in "Instruments, Machines, and Equipments Approved, Vessels Inclined, and Rulings," edition of 25 September 1936, published by the former Bureau of Marine Inspection and Navigation)

R. R. WAESCHE,  
Commandant.

JULY 14, 1942.

[F. R. Doc. 42-6721; Filed, July 15, 1942; 10:56 a. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. B-5]

T. A. D. JONES AND CO., INC.

#### ORDER CANCELLING HEARING, ETC.

Order withdrawing notice of and order for hearing, cancelling hearing, and terminating matter without prejudice.

The above-entitled matter having been instituted by a Notice of and Order for Hearing dated September 16, 1941, an answer having been filed herein by said respondent on October 9, 1941, and the hearing having been postponed by Order of the Acting Director dated October 18, 1941, to a date and place to be thereafter designated by an appropriate order; and

The Acting Director, upon the basis of further investigation, deeming it advisable that said Notice of and Order for Hearing should be withdrawn, that the said hearing should be cancelled and that the above-entitled matter should be terminated without prejudice;

Now, therefore, it is ordered, That the said Notice of and Order for Hearing dated September 16, 1941, be and the same hereby is withdrawn; and

It is further ordered, That the hearing heretofore scheduled in the above-entitled matter be and the same hereby is cancelled; and

It is further ordered, That the above-entitled matter be and the same hereby is terminated without prejudice.

Dated: July 15, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6761; Filed, July 16, 1942; 11:27 a. m.]

[Docket No. B-48]

#### SUN COAL COMPANY, CODE MEMBER

#### ORDER GRANTING APPLICATION, ETC.

Order granting application filed pursuant to § 301.132 of the rules of practice and procedure, terminating code membership, cancelling hearing, providing for payment of tax for restoration of code membership and to cease and desist upon restoration.

A complaint dated September 9, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on September 24, 1941 with the Bituminous Coal Division (the "Division"), by the Bituminous Coal Producers Board for District No. 8, complaint (the "Complainant"), alleging, as amended by Order granting motion to amend dated February 28, 1942, that Sun Coal Company, a corporation organized and existing under the laws of the State of Tennessee, Code Member, whose address is Knoxville, Tennessee, operator of the Sun Mine (Mine Index No. 453), Caryville, Tennessee, in District No. 8, wilfully violated the Act, the Bituminous Coal Code (the "Code"), promulgated thereunder and Orders and Rules and

Regulations of the Division, by selling, delivering and offering for sale for shipment by rail, to numerous purchasers in various market areas, substantial quantities of coal produced by it at its aforesaid mine, at prices below the effective minimum prices established therefor in the Schedule of Effective Minimum Prices for District No. 8, For All Shipments Except Truck, (the "Schedule") as more fully set forth in the complaint as amended herein; and

The complaint herein and the complaint, as amended, and the Notice of and Order for Hearing, dated December 6, 1941, with amendments thereto, all having been duly served upon the Code Member and the hearing herein having been postponed by Order dated April 23, 1942, to a date and place to be thereafter designated by an appropriate order; and

The Code Member having duly filed with the Division, on January 19, 1942, an application based upon admission for disposition of compliance proceedings without formal hearing dated January 16, 1942, pursuant to Section 301.132 of the Rules of Practice and Procedure before the Division; on February 9, 1942, a supplemental application dated February 6, 1942; on April 13, 1942, a motion for reconsideration of application based upon admissions for the disposition of compliance proceedings without formal hearing dated April 11, 1942; and on April 22, 1942, a second supplemental application dated April 21, 1942; and

Notice dated May 7, 1942, of the filing of said application, as supplemented, having been published in the FEDERAL REGISTER on May 8, 1942, pursuant to Section 301.132 of the Rules of Practice and Procedure, and copies thereof having been duly mailed to interested parties including the Complainant; and

Said Notice of filing having provided that interested parties desiring to do so might within fifteen (15) days from the date of said Notice file recommendations or requests for informal conferences in respect to said application, as supplemented, and it appearing that the Complainant within said fifteen (15) day period filed a recommendation dated May 12, 1942, that said application, as supplemented, be accepted; and

It further appearing that in said application, as supplemented, Code Member producer admitted that during the period from March 7, 1941, to March 31, 1941, both dates inclusive, it committed the violations alleged in the complaint herein by describing, billing and selling 2854.45 net tons of 2½" x 6" egg coal and 6" block coal as 2½" x 5" egg coal and 5" block coal, respectively, in violation of the effective minimum prices; and

It further appearing in said application, as supplemented, that the Code Member represents that it has not, to the best of its knowledge and belief, committed any violations of the Act, the Code or regulations thereunder other than those described in said application, as supplemented; and

It further appearing in said application, as supplemented, that the Code Member consents to the entry of an order revoking its membership in the Code and imposing a tax in the amount of



Three Thousand Four Hundred Twelve and Thirty-nine One-Hundredths (\$3,412.39) Dollars, as a condition precedent to the restoration of its membership in the Code and agrees to pay such tax as a condition to such restoration; and

It further appearing in said application, as supplemented, that the Code Member consents to the entry of a cease and desist order directing it to cease and desist from further violations of the Act, the Code, and rules and regulations thereunder.

Now therefore, pursuant to the authority vested in the Division by section 4 II (j) of the Act, authorizing it to adjust complaints of violations and to compose the differences of the parties thereto and upon the application, as supplemented, of the Code Member, for disposition without formal hearing of the charges contained in the complaint herein, as amended, pursuant to § 301.132 of the Rules of Practice and Procedure, and upon the recommendation of the Complainant and upon evidence in the possession of the Division:

It is hereby found as follows:

A. Sun Coal Company is a corporation organized and existing by virtue of the Laws of the State of Tennessee, with its principal place of business at Knoxville, Tennessee, and is primarily engaged in the business of mining and producing bituminous coal.

B. Sun Coal Company filed with the Division on June 21, 1937, its acceptance dated June 15, 1937, of the Code. Said Code Acceptance was made effective by the Division as of June 21, 1937, and Sun Coal Company is now a Code Member in District No. 8, operating the Sun Mine, Mine Index No. 453, located at or near Caryville, Tennessee, in Sub-District No. 6 of District No. 8.

C. Sun Coal Company, during the period from March 7, 1941 to March 31, 1941, both dates inclusive, wilfully violated the effective minimum prices, the Act, the Code promulgated thereunder and rules and regulations of the Division

(1) By selling to numerous purchasers in various market areas for shipment by rail 1243.45 net tons of 6" block coal produced by it at its said mine at a price of \$3.25 f. o. b. said mine, whereas the effective minimum price established for said coal for shipment by rail into various market areas was \$3.35, as set forth in the Schedule; and

(2) By selling to numerous purchasers in various market areas for shipment by rail 1611.00 net tons of 2½" x 6" egg coal produced by it at its said mine at prices from \$2.65 to \$2.86 f. o. b. said mine, whereas the effective minimum prices established for said coal for shipment by rail into various market areas were \$2.75 to \$2.96, respectively, as set forth in the Schedule.

It is hereby further found, Pursuant to the provisions of section 5 (b) of the Act that the membership of the Sun Coal Company in the Code should be revoked with respect to the violations described in paragraph C. (1) and (2) above.

It is hereby further found that the amount of tax, imposed by section 5 (b) and (c) of the Act, with respect to the

coal described in paragraph C. (1) and (2) above, amounting to 2854.45 net tons, and required to be paid as a condition precedent to restoration of membership of the Sun Coal Company in the Code, is Three Thousand Four Hundred Twelve and Thirty-nine One-Hundredths (\$3,412.39) Dollars, which amount is 39% of the aggregate of the effective minimum prices of such coal at the mine of Eight Thousand Seven Hundred Forty-nine and Seventy-three One-Hundredths (\$8,749.73) Dollars.

It is hereby further found that the Sun Coal Company should be directed to cease and desist from violations of the Act, the Code and rules and regulations thereunder.

Now therefore, on the basis of the above findings and the said admissions and the consent filed by the Sun Coal Company, pursuant to § 301.132 of the Rules of Practice and Procedure:

It is ordered, That the aforesaid application, as supplemented, of the Sun Coal Company be and the same hereby is accepted and granted; and

It is further ordered, That pursuant to section 5 (b) of the Act, the membership of Sun Coal Company in the Code be and the same hereby is revoked and canceled; and

It is further ordered, That such cancellation and revocation of the code membership of the said Sun Coal Company shall become effective fifteen (15) days from the date of service of this Order on said Sun Coal Company; and

It is further ordered, That the hearing herein heretofore postponed by Order dated April 23, 1942, to a date and place to be thereafter designated by an appropriate Order be and the same hereby is canceled; and

It is further ordered, That prior to restoration to membership of the Sun Coal Company in the Code, there shall be paid to the United States Government a tax in the amount of Three Thousand Four Hundred Twelve and Thirty-nine One-hundredths (\$3,412.39) Dollars, as provided in section 5 (c) of the Act; and

It is further ordered, That any order of restoration of the membership of the Sun Coal Company in the Code shall require that the Sun Coal Company, its representatives, officers, servants, agents, employees, attorneys, receiver, and successors or assigns and all persons acting or claiming to act in its behalf or interest cease and desist and they be permanently enjoined and restrained from violating the Act, the Code, the rules and regulations thereunder and the Schedule of Effective Minimum Prices For District No. 8 For All Shipments Except Truck.

Dated: July 15, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6762; Filed, July 16, 1942;  
11:27 a. m.]

[Docket No. A-1476]

DISTRICT BOARD NO. 18

ORDER ADVANCING HEARING

In the Matter of the Petition of District Board No. 18 for the establishment of Certain Minimum Prices.

A hearing in the above-entitled matter having been scheduled to be held on July 28, 1942, at a hearing room of the Bituminous Coal Division in Washington, D. C.; and

District Board No. 18 having requested that such hearing be advanced to an earlier date; and no opposition having been interposed in this matter; and good cause having been shown why such request should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is advanced from 10 o'clock in the forenoon of July 28, 1942, until 10 o'clock in the forenoon of July 20, 1942.

The time for filing petitions of intervention in this matter is hereby advanced to July 18, 1942.

In all other respects the Notice of and Order for Hearing entered in this matter on June 24, 1942, shall remain in full force and effect.

Dated July 15, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6763; Filed, July 16, 1942;  
11:27 a. m.]

FARMERS UNION STATE EXCHANGE,  
OMAHA, NEBRASKA

#### SUPPLEMENTING ORDER

In the Matter of the Application of the Farmers Union State Exchange, Omaha, Nebraska, for Registration as a Bona Fide and Legitimate Farmers' Cooperative Organization.

The above-named registered farmers' cooperative organization, Registration No. 2879, having advised the Division that The Farmers Grain and Supply Company, St. Paul, Nebraska, a farmers' cooperative organization, to whom registrant resells coal, has been reorganized under the name of "St. Paul Cooperative Grain Association," and that the farmers' cooperative organizations, hereinafter described, are no longer engaged in business, have changed their methods of operation or for other reasons should not be included in the list of bona fide and legitimate farmers' cooperative organizations, to whom registrant resells coal purchased by it at an authorized discount from the established minimum prices;

It is ordered, That Exhibit "A" of the Order in the above-entitled matter, dated November 15, 1940, as amended July 15, 1941, and March 14, 1942, be, and it is hereby further amended by making the following changes and deletions:

#### CHANGE OF NAME

As appearing in exhibit "A"	Changed to read	Address
The Farmers Grain & Supply Co.	St. Paul Cooperative Grain Association.	St. Paul, Nebr.

#### DELETIONS

##### Name and address

Farmers Union Mercantile Co., Bancroft, Nebr.  
Farmers Union Store, Columbus, Nebr.



Farmers Union Retail Store, Moorcroft, Wyo.

Farmers Union Elevator and Milling Co., Seward, Nebr.

Farmers Elevator Co., Superior, Nebr., Rt. 3.

Farmers Cooperative Society, Sutton, Nebr.

Farmers Union Cream Station, Taylor, Nebr.

Farmers Elevator Co., Brock, Nebr.

Farmers Business Association, Duncan, Nebr.

Farmers Union Cream Station, Waco, Nebr.

Dated: July 15, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6764; Filed, July 16, 1942;  
11:27 a. m.]

# OFFICE OF PRICE ADMINISTRATION.

[Administrative Order 23]

PAUL M. O'LEARY

DELEGATION OF AUTHORITY TO ACT FOR THE  
ADMINISTRATOR

Pursuant to the authority conferred upon the Administrator by Executive Order No. 9125<sup>1</sup> and by War Production Board Directive No. 1, as supplemented, the following order is prescribed:

(a) Paul M. O'Leary, Acting Deputy Administrator in Charge of Rationing, is authorized and directed to exercise the following functions, duties, powers, authority, and discretion in connection with rationing:

(1) To determine whether any person has violated any regulation or order heretofore or hereafter issued by the Office of Price Administration or the Administrator pursuant to WPB Directive No. 1, as heretofore or hereafter supplemented, and to issue such suspension orders and take such other action as may be appropriate in the premises.

(2) To consider and determine all petitions for reconsideration of suspension orders heretofore or hereafter issued, and take such action thereon as may be appropriate in the premises.

(b) Any decision made, order issued, and other action taken by said Paul M. O'Leary pursuant to this delegation of authority shall have the same force and effect as if made, issued, or taken by the Administrator.

(c) This order shall take effect this 15th day of July 1942.

Issued this 15th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6752; Filed, July 15, 1942;  
5:06 p. m.]

## FLUORSPAR PROCESSING COMPANY

[Docket No. 3126-2]

### APPROVAL OF MAXIMUM PRICE

Order No. 5 Under Maximum Price Regulation No. 126<sup>2</sup>—Fluorspar.

<sup>1</sup> 7 F.R. 2719.

<sup>2</sup> 7 F.R. 3189.

By a letter mailed on or about April 20, 1942, the Office of Price Administration approved a price of \$27.40 per ton f. o. b. Salida, Colorado, for sales of acid grade fluorspar, having a chemical analysis substantially as follows:

2% SiO<sub>2</sub>, 97.25% CaF<sub>2</sub>, and possibly some iron,

made by the petitioner, Fluorspar Processing Company, 126½ East Pikes Peak Avenue, Colorado Springs, Colorado. Petitioner is a "producer" (of fluorspar) as the term is defined in Maximum Price Regulation No. 126, and subject to the maximum prices as therein fixed. In accordance with § 1376.11 of said Maximum Price Regulation, petitioner has filed a Petition for Adjustment requesting approval of the aforementioned price, which Petition was filed with the Secretary, Office of Price Administration, Washington, D. C., June 25, 1942. It is found that said Petition has been filed in proper form, and that the petitioner is entitled to the approval of the price therein set out. Therefore, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered that:

(a) Under the provisions of § 1376.11 of Maximum Price Regulation No. 126, issued April 28, 1942, the price of \$27.40 per ton f. o. b. Salida, Colorado, for acid grade fluorspar having a chemical analysis substantially as follows:

2% SiO<sub>2</sub>, 97.25% CaF<sub>2</sub>, and possibly some iron,

is approved for sales made, or to be made, by Fluorspar Processing Company, 126½ East Pikes Peak Avenue, Colorado Springs, Colorado, and is the maximum price at which said company may sell or deliver said grade of fluorspar.

(b) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 5 shall become effective July 17, 1942.

Issued this 16th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6769; Filed, July 16, 1942;  
11:58 a. m.]

[Docket No. 3126-3]

## AMERICAN FLUORSPAR CORPORATION

### APPROVAL OF MAXIMUM PRICE

Order No. 6 Under Maximum Price Regulation No. 126<sup>2</sup>—Fluorspar.

By a letter mailed on or about March 18, 1942, the Office of Price Administration approved a price of \$11.50 per ton f. o. b. Salida, Colorado, with customary bonuses or penalties for permissible variations in effective CaF<sub>2</sub> content, for sales of sorted and crushed (steel) fluorspar, 85% CaF<sub>2</sub>—5% SiO<sub>2</sub>, or comparable, made by the petitioner, American Fluorspar Corporation, 126½ East Pikes Peak Avenue, Colorado Springs, Colorado. Petitioner is a "producer" (of fluorspar) as the term is defined in Maximum Price Regulation No. 126, and subject to the

maximum prices as therein fixed. In accordance with § 1376.11 of said Maximum Price Regulation, petitioner has filed a Petition for Adjustment requesting approval of the aforementioned price, which Petition was filed with the Secretary, Office of Price Administration, Washington, D. C., June 26, 1942. It is found that said Petition has been filed in proper form, and that the petitioner is entitled to the approval of the price therein set out. Therefore, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered that:

(a) Under the provisions of § 1376.11 of Maximum Price Regulation No. 126, issued April 28, 1942, the price of \$11.50 per ton f. o. b. Salida, Colorado, for sorted and crushed (steel) fluorspar, 85% CaF<sub>2</sub>—5% SiO<sub>2</sub>, or comparable, with customary bonuses or penalties for permissible variations in effective CaF<sub>2</sub> content, is approved for sales made, or to be made, by American Fluorspar Corporation, 126½ East Pikes Peak Avenue, Colorado Springs, Colorado, and is the maximum price at which said company may sell or deliver sorted and crushed (steel) fluorspar.

(b) This Order No. 6 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 6 shall become effective July 17, 1942.

Issued this 16th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6770; Filed, July 16, 1942;  
11:58 a. m.]

## HARRY M. WILLIAMSON & SON

[Docket No. 3126-5]

### APPROVAL OF MAXIMUM PRICE

Order No. 7 under Maximum Price Regulation No. 126<sup>2</sup>—Fluorspar.

By a letter mailed on or about April 1, 1942, the Office of Price Administration approved a price of \$28.00 per ton f. o. b. Boulder, Colorado, for sales of acid grade fluorspar having a chemical analysis substantially as follows:

98% CaF<sub>2</sub> and 1% SiO<sub>2</sub>,

made by the petitioner, Harry M. Williamson & Son, 615 U. S. National Bank Building, Denver, Colorado. Petitioner is a "producer" (of fluorspar) as the term is defined in Maximum Price Regulation No. 126, and subject to the maximum prices as therein fixed. In accordance with § 1376.11 of said Maximum Price Regulation, petitioner has filed a Petition for Adjustment requesting approval of the aforementioned price, which Petition was filed with the Secretary, Office of Price Administration, Washington, D. C., July 6, 1942. It is found that said Petition has been filed in proper form, and that the petitioner is entitled to the approval of the price therein set out. Therefore, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered that:



(a) Under the provisions of § 1376.11 of Maximum Price Regulation No. 126, issued April 28, 1942, the price of \$28.00 per ton f. o. b. Boulder, Colorado, for acid-grade fluorspar, having a chemical analysis substantially as follows:

98%  $\text{CaF}_2$  and 1%  $\text{SiO}_2$ .

is approved for sales made or to be made by Harry M. Williamson & Son, 615 U. S. National Bank Building, Denver, Colorado, and is the maximum price at which said company may sell or deliver said grade of fluorspar.

(b) This Order No. 7 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 7 shall become effective July 17, 1942.

Issued this 16th day of July, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6771; Filed, July 16, 1942;  
11:59 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-56, 59-33, 70-263, 70-371, 70-387,  
70-430, 70-431]

COLUMBIA GAS & ELECTRIC CORPORATION,  
ET AL.

### NOTICE OF FILING AND ORDER FOR HEARING; NOTICE OF AND ORDER CONSOLIDATING PROCEEDINGS

At its regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of July 1942.

In the Matter of Columbia Gas & Electric Corporation, and Columbia Oil & Gasoline Corporation, File No. 54-56; Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, Panhandle Eastern Pipe Line Company, Michigan Gas Transmission Corporation, Indiana Gas Distribution Corporation, and The Ohio Fuel Gas Company, File Nos. 59-33, 70-263, 70-371, 70-387, 70-430, 70-431.

#### I

Notice is hereby given that a declaration or application (or both), pursuant to the Public Utility Holding Company Act of 1935 and the rules promulgated thereunder, has been filed by Columbia Gas & Electric Corporation, a registered holding company, and by Columbia Oil & Gasoline Corporation, a nonutility subsidiary thereof.

All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Columbia Gas & Electric Corporation (Columbia Gas) and Columbia Oil & Gasoline Corporation (Columbia Oil) propose to consummate a plan, pursuant to section 11 (e) of said Act, for the purpose of enabling both companies to comply with the provisions of section 11 (b) (1) of said Act and the Order of the Commission thereunder dated March

31, 1942, with respect to their interests in Panhandle Eastern Pipe Line Company (Panhandle), a direct subsidiary of Columbia Oil and an indirect subsidiary of Columbia Gas, and for the purpose of enabling Columbia Oil to comply with the provisions of section 11 (b) (2) of said Act. The elements of the proposed plan are as follows:

1. Columbia Oil will surrender to Panhandle the 10,000 shares of Panhandle's Class B Preferred Stock held by Columbia Oil, against payment to Columbia Oil of the cash sum of \$1,000,000 plus accrued dividends to the date of surrender and payment;

2. Columbia Oil will sell to Phillips Petroleum Company, for the cash sum of \$10,436,826, subject to interest and dividend adjustments, Columbia Oil's holdings of common stock of Panhandle, constituting 404,326 shares or 50.1% of the common shares outstanding;

3. Columbia Oil will wind up its affairs on the following terms and conditions:

(a) It will pay in full all of its indebtedness, including its debentures now held by Columbia Gas, together with accrued interest thereon to the date of payment;

(b) It will distribute to the holders of its common stock, in full settlement of all their rights and interest in the corporation, the sum of \$1.00 per share in cash;

(c) All of its remaining assets will be transferred to Columbia Gas as holder of all of its outstanding preferred stock.

The plan provides that neither it nor the transactions contemplated therein shall become binding upon Columbia Oil unless and until they are authorized and consented to by affirmative vote of the holders of the requisite amount of common and preferred stock of Columbia Oil at a stockholders' meeting duly called to act thereon, as provided by the laws of the State of Delaware and its Certificate of Incorporation, as amended. As an incident to such plan, it is requested that the Commission find, under Rule U-50 of the General Rules and Regulations under said Act, that competitive bidding will not be required with respect to the proposed sale of common stock of Panhandle Eastern by Columbia Oil to the Phillips Petroleum Company.

#### II

A consolidated proceeding (hereinafter referred to as the previous consolidated proceeding) is now pending before the Commission, which proceeding results from a consolidation of proceedings upon applications and declarations previously filed by Columbia Gas, Columbia Oil and Panhandle with proceedings instituted by the Commission involving such companies under sections 11 (b) (1), 11 (b) (2), 12 (c), 12 (f) and 15 (f) of the Act. Various Orders have been entered by the Commission in said previous consolidated proceeding, including an order dated January 21, 1942 approving certain transactions involved in the said applications and declarations, and an Order dated March 31, 1942, providing:

(i) That pursuant to section 11 (b) (1) of the Act Columbia Gas and Columbia Oil take all necessary and appropriate steps to sever the relationship of Columbia Gas with Panhandle, by disposing, or causing the disposition, of Columbia Gas' direct and indirect ownership, control, and holding of securities issued by and the properties of Panhandle and its subsidiaries;

(ii) That pursuant to section 11 (b) (2) of the Act the voting power of the Class B preferred Stock of Panhandle be cancelled, provided that there may be submitted any alternative plan to cure the unfair and inequitable distribution of voting power, including any plan for the retirement or redemption of said Class B Preferred Stock, and provided that if such plan is approved it will supersede the order in this respect.

These Orders disposed of all matters involved in said previous consolidated proceeding except for certain portions of the applications and declarations, including those dealing with the exchange therein proposed of the preferred stock of Columbia Oil held by Columbia Gas for the oil and gas subsidiaries of Columbia Oil, the proceedings under section 15 (f), and the proceedings under section 11 (b) (2) with respect to the distribution of voting power among the security holders of Columbia Oil. In accordance with the Order of the Commission dated January 15, 1942, hearings were held with respect to these remaining matters, and the record therein was closed on May 20, 1942. Prior to the time set for the filing of briefs with respect to the matters therein involved, Columbia Oil and Columbia Gas requested that the filing of such briefs be deferred and further action with respect to such matters be suspended pending the filing and consideration of the present plan. This request was granted by the Commission.

Columbia Gas and Columbia Oil have stated that the filing of the present plan is subject to the prior entry of an Order by the Commission that the filing of such plan be without prejudice to the pending applications and declarations and to the reassertion of any legal positions heretofore taken by Columbia Gas or Columbia Oil with respect to any portion of the present consolidated proceeding in the event the present plan pursuant to section 11 (e) is, for any reason, not finally consummated.

#### III

The Commission being required by the provisions of section 11 (e) of said Act, before approving any plan thereunder, to find, after notice and opportunity for hearing, that such plan, as submitted or modified, is necessary to effectuate the provisions of section 11 (b) and fair and equitable to the persons affected by such plan; and

It appearing to the Commission that the request of Columbia Gas and Columbia Oil that consideration of the pending applications and declarations be deferred pending the consideration of said section 11 (e) plan, but that the filing of said plan, as such, should not prejudice Columbia Gas and Columbia Oil with re-



spect to such applications and declarations if the plan is, for any reason, not consummated, is appropriate; and

It further appearing to the Commission that the proceedings with respect to the section 11 (e) plan involve common questions of law and fact with the proceedings under section 11 (b) (2) and should be consolidated for consideration by the Commission together therewith;

*It is hereby ordered,* That hearings on the proposed plan filed pursuant to section 11 (e) be held on the 28th day of July, 1942, at 10:00 A. M. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on that day by the hearing-room clerk in Room 318.

*It is further ordered,* That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearings. The officer so designated to preside at such hearings is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

*It is further ordered,* That the filing of briefs and all further action with respect to the above-described previous consolidated proceeding, as such, be and the same hereby are deferred and suspended pending further Orders of the Commission, without prejudice to the further prosecution of the pending applications and declarations and to the reassertion of any legal position heretofore taken by Columbia Gas or Columbia Oil with respect to any portion of the above-described previous consolidated proceeding in the event that said section 11 (e) plan is, for any reason, not finally consummated.

*It is further ordered,* That the proceedings with respect to the plan filed pursuant to section 11 (e) be and the same hereby are consolidated with the proceedings under section 11 (b) (2) with respect to the distribution of voting power among the security holders of Columbia Oil to the extent of the consideration by the Commission of the issues therein involved.

*It is further ordered,* That the Secretary of the Commission shall serve notice of the hearing and of the action herein by mailing a copy of this Order by registered mail to the above-named parties, as well as to all other parties and persons previously granted the right to be heard and participate in the above-described previous consolidated proceedings, and that notice of said hearing is hereby given to all security holders of Columbia Gas and Columbia Oil, to all states, municipalities, or political subdivisions of states or foreign countries in which are located any of the utility assets of Columbia Gas, or under the laws of which any of the subsidiary companies are incorporated, to all state commissions and all agencies, authorities or instrumentalities of one or more states, municipalities, or other political subdivisions having jurisdiction over any of the busi-

ness affairs of either of the above-named parties, and to all other persons, such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this Order in the FEDERAL REGISTER.

*It is further ordered,* That all parties and persons granted the right to intervene or to be heard and participate in the above-described previous consolidated proceedings shall be and hereby are given the same rights with respect to the present consolidated proceeding.

*It is further ordered,* That any other person desiring to be heard in connection with these proceedings shall file with the Secretary of the Commission, on or before the 25th day of July, 1942, a written statement relative thereto, and that any person proposing to intervene shall file with the Secretary of the Commission, on or before such date, application therefor, as provided by Rule XVII of the Commission's Rules of Practice.

*It is further ordered,* That, without limiting the scope of the issues presented by the pending plan filed pursuant to section 11 (e), the following matters and questions will be considered:

(1) Whether the proposed plan filed pursuant to section 11 (e) of the Act is necessary to effectuate the provisions of section 11 (b) of said Act;

(2) Whether the proposed plan is fair and equitable to the persons affected thereby;

(3) Whether it is appropriate that the sale by Columbia Oil to Phillips Petroleum Company of the common stock of Panhandle Eastern held by Columbia Oil be exempted from the competitive bidding requirements of Rule U-50;

(4) Whether the fees and expenses and other considerations to be paid or received, directly or indirectly, in connection with the proposed plan or transactions incidental thereto are necessary and are reasonable in amount;

(5) What terms and conditions, if any, may be necessary or appropriate in the public interest or the interest of investors or consumers.

*It is further ordered,* That all matters contained in the record of the above-described previous consolidated proceeding be and the same hereby are specifically incorporated in the record of the present proceeding.

*It is further ordered,* That jurisdiction be and is hereby reserved to separate or consolidate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues or questions which may arise in these proceedings, or to take such other action as may appear conducive to an orderly, prompt and economic disposition of the matters involved.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 42-6742; Filed, July 15, 1942; 3:33 p. m.]

## WAR MANPOWER COMMISSION.

### POLICY TO PREVENT PIRATING OF WAR WORKERS

In our rapidly expanding war industries, thousands of skilled workers are required. In certain occupations there are not enough skilled workers to meet the immediate and future requirements of war industries. This shortage of skilled workers has created needless labor turnover and uncontrolled migration of skilled labor. Such turnover and migration result in wasteful and ineffective utilization of skilled workers, which is likely to impede the war production program to an increasing extent in those areas in which war production is concentrated.

Having so found, after consultation with the members of the War Manpower Commission, and having further found, after such consultation, that the measures herein provided are necessary to promote the effective mobilization and maximum utilization of the Nation's manpower in the prosecution of the war, by virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9139, establishing the War Manpower Commission, I hereby declare the following War Manpower Commission policy:

I. If the maximum utilization of the manpower in a designated area has been or is likely to be impeded because of (a) the concentration of essential war production in any such area, (b) the shortage of workers for designated occupations therein, (c) an excessive rate of turnover among such workers, or (d) the migration of such workers to other areas, the appropriate regional representative of the War Manpower Commission shall confer with the representatives of management and labor in such area and with such regional or local representatives of the War Production Board, the United States Army, the United States Navy, the United States Maritime Commission, the United States Employment Service, the United States Civil Service Commission and such other agencies or departments as may be affected, with a view to securing the concurrence of all affected parties in a cooperative plan for the effective recruitment and utilization of workers in such area and for the effective elimination of practices which result in the withdrawal of workers from employers engaged in essential activities in such area. Upon the approval of such a cooperative plan by all affected parties, or upon the failure of such affected parties to concur in such a cooperative plan with reasonable promptness, the appropriate regional representative of the War Manpower Commission shall submit a full report thereof to the Chairman of the War Manpower Commission.

II. Upon approving a cooperative plan which effectuates the purposes set forth in this policy and which has been concurred in with respect to any designated



area, or upon approving a report that such a plan is needed and has been sought, but has not been concurred in by all affected parties with reasonable promptness, the Chairman of the War Manpower Commission will give notice that such area constitutes a critical labor area, and that with respect to such area, specified occupations and activities constitute, respectively, critical occupations and essential war production activities.

III. After the publication of such a notice with respect to a given area it is essential that no employer:

(a) Solicit (for the purpose of hiring) or hire, within or without such critical labor area, for work to be performed wholly or principally within such area, or

(b) Solicit (for the purpose of hiring) or hire, within such critical labor area, for work to be performed wholly or principally without such area,

any worker who on or after the effective date of this policy was employed at any place in an occupation, designated as a critical occupation and an activity designated as an essential war pro-

duction activity, except (1) through a public employment office of the United States Employment Service, or (2) in accordance with standards, methods or conditions approved by the Chairman of the War Manpower Commission or his authorized representative, or (3) in accordance with the cooperative plan for such area which may include clause (1) or clause (2) hereof or both such clauses. As used in this policy, the phrase "solicit (for the purpose of hiring)" means any activity, including any written or oral communication or publication, designed or intended to induce any individual to accept employment in a given plant, factory, or other establishment.

IV. Any worker or employer, or group of workers or employers, dissatisfied with any act or failure to act pursuant to this policy shall be given a fair opportunity to present his or their case to an Industrial Area Management-Labor Committee. Such Committee shall make recommendations concerning such cases as well as other matters pertinent

to the carrying out of this policy in its area, to the War Manpower Commission Area director for appropriate action. The Chairman of the War Manpower Commission shall prescribe rules, regulations and procedures for the carrying out of the responsibilities of Area Committees under this policy, including procedures for the review of the recommendations of the Area Committees, by Regional Management-Labor Committees and by the National Management-Labor Policy Committee.

V. All lawful and appropriate steps will be taken to utilize the services, facilities and authorities of other departments and agencies of the Federal Government to the fullest extent to achieve or promote compliance with the provisions of this policy.

PAUL V. McNUTT,

Chairman,

War Manpower Commission.

JULY 16, 1942.

[F. R. Doc. 42-6775; Filed, July 16, 1942; 11:55 a. m.]



